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Memoir of

John Howe Peyton.

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John H. Peyton

"The history of man from the primeval simplicity of our first parents [illegible] has satisfactorily proven, that neither the dictates of reason, the [illegible] of philosophy, nor the divine precepts of our holy religion [illegible] adequate restraint to his vicious propensities." Address to the Grand Jury of Stafford, 1[illegible]

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46d

MEMOIR OF

JOHN HOWE PEYTON,

IN SKETCHES BY HIS

CONTEMPORARIES,

TOGETHER WITH SOME OF HIS PUBLIC AND PRIVATE LETTERS, ETC., ALSO A SKETCH OF

Mrs. Ann M. (Montgomery (Lewis)) PEYTON.

LIBRARY OF THE UNIVERSITY OF VA.

COMPILED BY

The Author of the History of Augusta County.

Peyton, John Lewis

Rudis Indigestaque Moles.

[Printed for private circulation.]

STAUNTON, VA.
A. B. BLACKBURN & CO.,
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Virginiana

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PREFACE.

The following sketches of John Howe Peyton, by some of his contemporaries, and the scanty material gleaned from an imperfect file of the *Republican Farmer* (newspaper) of 1811-12, and from the *Staunton Spectator* from 1838 to 1847, (between 1811 and 1830, only a few mutilated and unbound Staunton newspapers exist,) and a small parcel of family papers, letters, etc., which escaped destruction during the civil war; are all that that can be found to throw any light upon the life of one of Virginia's purest men and greatest lawyers.* And thus his fame must largely rest upon the applause and praises, which his efforts called forth, with his immediate hearers and admirers. This deplorable want of

*NOTE.—In the library and papers of his son, J. L. Peyton, which were stored for safe keeping on his estate in Alleghany on Jackson's River, and in the Valley of the Falling Spring, in the Spring of 1861, there were many boxes of MSS., letters from various members of the family, written between 1740 and 1860, and often the answers of them. The letters were from John Peyton, who died in 1760, John Rowze Peyton, John Sergeant, C. J. Ingersoll, Jos. R. Ingersoll, J. M. Berrian, Thos. Jefferson, John Marshall, James Madison, Bishop Madison, Governor Tyler, John Scott, of Fauquier, Dr. Alexander, D. D., Bishop Meade, B. W. Leigh, Chapman Johnson, John S. Archer, Gov'r. McDowell, Governor Campbell, Thos. H. Benton, Henry Clay, Daniel Webster, Wm. C. Rives, Gen. Francis Preston, Wm. C. Preston, William Preston, J. M. Preston, Wm. B. Preston, John Floyd, Judge A. G. Dade, John Yates, Bushrod Washington, Gov. Thos. Mann Randolph, H. A. Wise, John Randolph, of Roanoke, John Tyler, Spencer Roane, and others; and Mr. Peyton's letter book, beginning about 1806. The whole of this invaluable mass was burnt, or destroyed, together with Col. Peyton's library, by Federal troops during the civil war. Cr.

material for a portrayal of his life and character, is not peculiar to his case. Few of those who have astonished their contemporaries by their wit and genius, and who were held in the highest admiration in their day, have left behind them memorials sufficient to justify their fame. This is so as to many of Virginia's eminent lawyers, and of even some of her most renowned public men. As to some of these the record is decidedly nebulous. Patrick Henry left behind such scanty remains, that great as were his oratorical talents and patriotic services, his fame rests rather upon the praises of others, than upon what he left behind of his own work. In this reflected or traditional way, his record is splendid, and so is that of John Howe Peyton, who. without overrating his merits and doing injustice to the memory of any of the jurists of the time, may be styled the greatest legal genius of his day. The universal opinion of his contemporaries goes to prove that in the science of criminal or penal law, of civil injuries or torts, and as a Public Prosecutor he had no equal, and it is as well established that in no department of the law had he any superiors. And this want of material is equally true of his great contemporaries, such as Daniel Sheffey, B. W. Leigh, and Chapman Johnson, so that like his, their fame rests on tradition. Alas, that they had not left something of their own productions—enough, at least, to enable us to have measured them as thinkers, writers and speakers. That they were all great men is beyond a doubt, for it is only the great man who touches the heart of the people, as well as their intelligence.

There was little of incident or stirring adventure in the life of Mr. Peyton, and this is the case generally, as to literary and professional men, but the life of such a man should not be permitted to sink into ob-

livion. He is represented by his contemporaries to have been a great and truly good man, who pursued his profession, not merely to gain a subsistence, but to do good, to advance justice and humanity, to promote the well being of his fellow creatures, and the general interests of society. Not his eloquence alone, but all of his powers were ever exerted for the cause of right and justice. And thus his gifts became a public benefit and blessing. If such a man does not deserve to be remembered, we might well ask, who does?

During the two brief episodes in his professional life, when a member first of the lower and then the upper House of the General Assembly, he labored to improve the Criminal laws, the Land laws, the laws relating to the rights of person and the rights of property; in fact, our whole system of jurisprudence, and to advance the cause of popular education and of internal improvements.

He was a man of large and progressive ideas, ready to accept any and all improvements, if persuaded that the remedies proposed were, indeed improvements, but while always ready to correct abuses, he was far from believing that all change meant reform—was too sagacious and far seeing, too much alive to the public intersts, to encourage rash and ill advised men or measures, was wise and firm enough to oppose all fanatics and *doctrinaires*, in their excesses. In fact he stood in the way of these men and opposed their measures, as tending to the subversion of existing laws and the Constitutlon, and the introduction of anarchy and confusion. As a Public Prosecutor, it was both his duty and ambition to see the laws faithfully executed, and an example made of evil doers. In a word, he was a man who sought to do his duty, not to gain the applause of men, but to meet the approval of his God. At all times, and on all occasions, he was zealous for the

common weal; and such was his goodness and maghanimity, that he desired to conceal, rather than display his deeds, and derive fame from them. If his course was beneficial to mankind—advanced the interest and prosperity of society and his country—he was content. For himself, he asked nothing, and always derived happiness from the preferment of others. Public honors were often bestowed upon others, which were looked upon as his due. So far from regretting it, or envying those who got them, he enjoyed seeing competent men promoted and when incompetent men were advanced, he would say, "let us make the most of them," so far was he from and above the littleness of vanity and jealousy. In a word he belonged to the class which "finds tongues in trees, books in running brooks, sermons in stones, and good in everything." Of ambition for noisy honors, newspaper notoriety, or office, he had none. If ambition he had, it was gratified by the general recognition of the purity of his motives, the inflexibility of his personal integrity, by the evidences he constantly received that his labors to alleviate human suffering and to cure social disorders, were understood and appreciated. If he had ambition, it was to do good to his forlorn fellow creatures, to excel in his profession, and this latter he did so eminently that the great lawyers in every part of the State consulted him on many if not all important cases and abstruse points, and for years no law was passed, nor any important change made in existing laws, by the Legislature of Virginia, without members of the body, especially of the judiciary committee, asking his opinion and advice. That he had true ambition, loved honorable fame, we doubt not, and thus this exalted passion was, as we opine, the source of those noble actions and life-long labors, which caused him to be so much honored while living, and to be so venerated now that

he is dead. And it is the duty of posterity to bestow on him that praise, after his death, which he declined while living.

Believing that the most efficacious method of exciting the talent of the living, is to confer due honors on departed merit, we have, nearly fifty years after his death, and thirty years after the destruction of his papers and almost everything throwing light upon his life undertaken this compilation. It must necessarily be very imperfect and incomplete, but inadequate as it is, it seems well to preserve it, as showing a wish, at least, to give to heaven-born talent its due.

We should like to have had sufficient material for fully portraying this remarkable man, his actions, his feelings, his thoughts and his adventures. Such a work would have derived additional interest from the fact that it would have recalled and preserved the recollection of his companions and friends, the kindred spirits of his day, now dead and nearly forgotten. As this could not be done, we have garnered up, in a fragmentary way, and not always in chronological sequence, the material, some of it light and trivial, [for it is said. P's 1st, "of the Godly man" "his leaf also shall not wither,"] presented in the following pages, and while it is only a half lifting of the veil of oblivion, it gives us a glimpse, at least, into an almost forgotten life, and serves too, to keep in memory his interesting family of Montgomery Hall. Like all families, it has been dispersed, but it richly deserves to be held in memory and handed down to posterity.

In one of his eloquent sermons, Dr. Talmage thus speaks of oblivion, which he styles the cemetery of the human race. "Why, just look at the families of the earth how they disappear. For awhile they are together, inseparable and to each other indispensable and then they part, some by marriage going to establish other homes, and some leave this life, and a century

is long enough to plant a family, develop it, prosper it, and obliterate it. So the generations vanish."

Mr. Peyton's family, forming no exception to the rule, has been dispersed, but it survives in its branches and without signs of decay. Indeed, some of the young shoots exhibit the life and vigor, the virtue and valor of the original stock, which has stood for centuries, in the language of Lord Bacon, "against the winds and weathers of time." May these vigorous branches spread out, increase, keep pace with the grand march of humanity, and the oblivion of the family be as distant in the future as was its origin in the past.

This, we believe, will be the case, for we do not belong to those who imagine that humanity is on the decline, that the energy of man is decaying, that the heart is becoming harder, and the imagination and intellect are dwindling away. On the contrary, in our opinion, man is, on the whole, advancing, and will continue to advance, intellectually and morally, until the world shall have answered all the purposes of its creation and the immortal state begins. What else means the vast improvement in morals, the ameliorations of war, the progress of political science, the redemption of woman from her degradation and bondage, the abolition of slavery, the general and wonderful progress of the race the last hundred years.

To his descendants now scattered through the States of Virginia, West Virginia, Maryland, New York, and the far West, this compilation will possess deep interest, if it possess none for others, and for them and their connections alone, it is designed. May the remembrance and contemplation of his virtues inspire them with a desire to imitate them!

MEMOIR

—OF—

JOHN HOWE PEYTON.

John Howe Peyton, who acquired so much fame as a lawyer, statesman and orator, was descended from Henry Peyton, of "Acquia", Westmoreland county, Va., the first of the Peytons to leave England for Virginia, which he did about the year 1644. Henry Peyton died at his home "Acquia", in Westmoreland county, 1659. We learn from the National Cyclopedia of Biography that from the period of their settlement in Virginia to the present day, 250 years, the family has been "prolific of men full of gallantry and public spirit, of thrifty habits, hospitable, charitable and generous, whose lives have been useful and blameless, and whose characters were without blemish". The grandson of the first emigrant, or Henry Peyton the third, who removed to Stafford county, left among other issue, a son, John Peyton, of Stony Hill, Stafford, who was the grandfather of John H. Peyton, and is described as a man of "undeviating rectitude of conduct, of unshaken constancy in friendship, active in benevolence and pure in his habits."

John Peyton left by his second wife a son, John Rowze Peyton, of Stony Hill, Stafford county, who served seven

years in the Revolutionary Army and acquired by his dauntless valor and faithful discharge of duty, the sobriquet of the "hero boy of 1776". He was a man of strong convictions, probably of strong prejudices, and enforced his views in newspaper articles, showing marked ability as a thinker and writer. His son, John Howe Peyton, the subject of this sketch, was born at Stony Hill, April 27th, 1778, and died at Montgomery Hall, near Staunton, Augusta county, Va., April 3rd, 1847. And it may be truly said that no one was more loved, more honored or more mourned by those who knew him best.

When a boy attending a country school near his birth place, young John Howe Peyton was conspicuous for the beauty and intelligence of his countenance, the comeliness of his person, the quaintness of his humor, the vivacity of his spirits, and the pungency of his wit. The lad was fond of outdoor sports and all athletic exercises, in which he engaged daily, thus in good time developing his strength and securing for life a sound mind in a sound body. These pastimes, however, did not interfere with his studies, to which he devoted himself for years assiduously. And he succeeded so well, in both mental and physical exercises, that it was commonly said of him, that he was a boy who seemed to have come from the hand of nature, formed and destined to do extensive good, and to excel in every pursuit. So superior was he generally to his young companions that he was, before twelve years of age, pointed out as one who already gave evidence of his future abilities. When only sixteen years of age, he had grown into a young man of remarkable strength of body and vigor of mind, was full of pluck and spirit, and had acquired no small stock of learning. His father determined to send him to the North for further education. Accordingly he was entered at Nassau Hall Princeton Univer-

sity. N. J., in 1794, then, as now, one of the most famous seats of learning in the country, and much patronized by Southerners. His previous training prepared him well for the University, where he quickly took and kept a leading place till his graduation as A. M. in 1797.

At Princeton he continued, as may be surmised, diligent in his studies, and while going through the usual scholastic routine engaged in an extensive private course of philosophical, metaphysical, historical and general reading. His thirst for knowledge was insatiable, and he kept up this habit in after years, and to give his family a taste for literature was in the habit of reading aloud to his children of evenings the plays of Shakespeare, the writings of Addison, Swift, Johnson, Goldsmith and other standard authors. He also attended the debates in the Whig Society, (an association of young collegians, formed for mutual improvement,) where he won distinction as a speaker and debater. He was singularly free from the usual vices of youth and that sensuality and egotism, which is the source of so many miseries. In consequence of his high standing as a scholar, orator and man—and no young man was more noted for his exemplary habits, straightforward conduct and nice sense of honor—he was held in great respect in the University, alike by professors, tutors and fellow students. But he never showed the slightest consciousness of his endowments or discovered any vanity at the extent and variety of his attainments, and the impression they made on others, but enjoyed his success with propriety and good sense. He made many friends at Princeton, and if they were not afterwards of service to him, they were certainly a comfort. His object then, as ever afterwards, was not to shine, for ambition was not his failing, but he was incited by a thirst for knowledge and a desire for excellence. Having secured high

academical honors, which are the laudable objects of any young man's generous ambition, by taking his A. M. degree, he returned to Virginia in 1797, immediately thereafter commenced, and in due time completed his legal education, and in 1799 entered on the law practice. Judge R. C. L. Moncure, President of the Supreme Court of Appeals of Virginia, says of him in his private journal: "He took a position on being admitted to the bar, which brought him immediate and continued popularity as a lawyer, a pleader and a scholar." His progress was indeed rapid, and he soon proved to be acute, deep,cautious, methodical and persevering, with extraordinary administrative ability; and was noted for his personal magnetism, his animal spirits and social powers, as well as his forensic abilities.

At this time he was six feet two inches high, of strong, lithe and vigorous frame, weighing about 180 pounds. His manners were affable and engaging, and were characterized by dignity and grace. He was fond of conversation, and his conversation was animated and instructive. He always, indeed, spoke with so much point that he appeared superior to others of his age in wisdom and understanding. To his solid attainments and well-bred and polished manners he joined a generous heart, virtuous principles and a chivalric sense of honor. These gifts and accomplishments soon inspired all who knew him with respect and esteem, and this admiration was due to none of those artifices so common with "people's men," or of that subserviency which so often leads to popularity, and which contra-distinguishes the man without principle,who wants office, from the man of principle whom office wants. It was also discovered that he was broad and liberal in his views and opinions on politics and religion, and indeed on all social questions—was free from cant and hypocricy,

and was without any of that duplicity in youth which is the forerunner of perfidy in old age. Toward all men he was charitable, and did not require them to see things as he saw them; he allowed of a difference of opinion without treating a man as a heretic in religion, or a knave and traitor in politics because he sought to serve God or his country by a different course or policy from himself. He not only respected but venerated all men who were loyal to truth. His influence was consequently very great and was soon enhanced by the discovery that he was a man of stern and uncompromising integrity and inflexible firmness, or unlimited courage, a courage which extended to rashness, a man who could not be moved from the path of duty by "fear, favor or affection," and we may add that he went through a long, eventful and trying life without suspicion of any kind of vice. He was soon looked up to as a person not only of eminent merit but exalted character, who would, if the occasion arose, become a hero, ready and able to defend the rights of the people and the liberties of his country. Early in the century 1802-3 he was commissioned captain of a volunteer company of cavalry and drilled his command, composed of young gentlemen of Stafford and Spottsylvania counties over the country from Acquia Creek to Fredericksburg, and the annals of British Field sports were never illustrated by more daring feats of horsemanship, the clearing of fences, gates, hedges and ditches, than were performed by these Virginian riders.

In 1804 he married Susan, daughter of William Strother Madison, a niece of the Right Rev. James Madison, Bishop of Virginia, and relative of President Madison, by whom he left an only son, the late Col. William M. Peyton, of Roanoke, who was himself a man of gifted intellect and extensive acquirements, of upright and honorable character, who acquired as a

public speaker and member of the House of Delegates of Virginia, a distinguished reputation for ability and statesmanship. We anticipate events in order to state that after losing his wife by her untimely death, he married in 1821 Ann Montgomery Lewis, a daughter of the old Revolutionary hero, Major John Lewis of the Sweet Springs; by his wife Mary, a daughter of the gallant Col. William Preston, of Smithfield, Montgomery county, who was wounded at the battle of Guildford, from the effects of which he died years afterward. By his second marriage he left ten children. In 1806 he was elected to the House of Delegates. This gave him little or no pleasure, as he preferred the profession but he served several years, up to 1810 on public grounds. Though there was not much scope in the House for his powers, he took an active part in all business and in the debates, and such was his political sagacity, his indomitable energy and his vehement eloquence, that he had almost unrivaled power over his hearers and soon became a leader, inspiring his followers with enthusiastic love and admiration, and was regarded by them, if not by both sides of the Chamber, as the ablest man in the House and the equal of any in the State. At that period he was as remarkable for his wise and prudent counsels as for his invincible eloquence.

During the session of 1809–10 Mr. Peyton made the celebrated report as to an amendment of the Constitution of the United States, which is appended to this sketch.

Staunton was early in the century a no inconsiderable town, and to lawyer and litigant alike the most important point west of the Blue Ridge Mountains, because the seat of the superior courts of law and chancery—the jurisdiction of the chancery court extending over the whole western part of the State. This fact caused many able and learned lawyers to make it their home, among the most prominent were

Judge Coalter, Daniel Sheffey, Chapman Johnson, Briscoe G. Baldwin and Samuel Blackburn, and the terms were attended by such legal lights, from other circuits, as George Hay, William Wirt, P. P. Barbour, B. W. Leigh, L.W.Tazewell, Henry St. G. Tucker and others. Staunton was then regarded, and for many years later, as having the ablest resident bar in the State.

In 1808, Mr. Peyton removed to the town to enter the arena against these great men, and in a very brief period, indeed, he gained, in the opinion of the court and the lawyers and of the people, the first place at the bar. Such was his vigor, originality and learning, that Col. Preston, one of his biographers, says that "he met in contest the strongest men in each department of the law and he made himself a champion in all." Daniel Sheffey said "he posessed gigantic power without effort, was leader in his circuit and at the head of the profession."

From 1808 to 1846, when struck down by apoplexy, he bent the whole energies of his mind and body to the profession—the only interruption in this long period of practice being a brief episode of military service, from 1812 to 1815, as Chief of Staff to Gen. Porterfield in the war against England, and one of five years in the Senate of Virginia from 1839 to 1845, when he resigned during his second term from ill health. He did not desire, still less seek, a seat in the Senate, but yielded to the importunities of his Rockbridge and Augusta friends, the leading men of Rockbridge particularly importuning him to accept the position, in order to promote, among other things, the fortunes of the Virginia Military Institute; a school they esteemed of great importance to the county and the cause of State education, and to which it was well known Mr. Peyton was most friendly, for he was

everywhere known and recognized as the friend and promoter of learning and the liberal arts. And his deep interest in the cause of education was evinced by his acceptance of the position of trustee of Washington College in 1832, which he held till he resigned in 1846, having during this long period at great inconvenience to himself, attended the meetings of the Board, of which he was an active and useful member. He also acted for many years before and after 1832 as President of the Board of Trustees of the Staunton Academy; was one of the founders of the Virginia Female Institute at Staunton, and a member of the Board of Trustees; was one of the most earnest advocates of the scheme for establishing the Virginia Military Institute and suggested the union of the Institute and Washington College under one management, believing that the United University ought to be and would become one of the greatest seats of learning in the country. He also accepted, in 1840, the position of visitor to the U. S. Military Academy at West Point, and wrote the able, interesting and instructive report of the Board for that year. This was said at the time to be the ablest report ever written on the condition, the mode of instruction, the changes and improvements which should be introduced in the course of study and discipline and the future usefulness of West Point.

Education he considered the philosophy of the human mind, enriching it with all that is useful or ornamental in knowledge, teaching us how to avert evil and produce good. It was not so valuable for the learning acquired, for to be well informed, was not, in his opinion, to be well educated; as for the moral character it formed, for the habit of thought engendered, for the preparation it was for the practical duties of life—in a word, he regarded education or intellectual progress as the sure forerunner of moral improvement.

It may not be out of place to mention here that his interest in, and sympathy for the unfortunate and afflicted was manifested in various ways, but especially by his services as a member of the Court of Directors of the Western Lunatic Asylum at Staunton for over twenty years, during ten of which he was President of the board.

Mr. Peyton's political life can be briefly summarized. He voted for the election of James Madison and zealously supported his administration. He also voted for James Monroe, and opposed the election of John Quincy Adams, voting for Gen. Jackson. He voted for Jackson twice, reluctantly when a candidate for a re-election, because of his refusal to sign the bill to recharter the United States Bank, but under a belief that Jackson's course was more due to the feelings created by the particular time when congress passed the bill, it being just previous to his second election, than to any settled hostility on his part to a United States Bank, and he subsequently abandoned that party, and ever afterwards adhered to the Whig party.

Mr. Peyton thus gives his reasons for abandoning the democratic party—he said; "shortly after his (Jackson's) re-election, he commenced a train of measures, to which I was utterly opposed, measures of a novel and alarming character, which in their origin and their subsequent developments, brought distress and embarrassment upon the banks, upon the country at large, and especially upon all our commercial interests. I allude to his wild, violent and undigested schemes of finance, commencing with his pet bank system and ending with his order in council, the specie circular. This warfare upon the bank of the United States, the currency and the commerce of the nation, reduced us in 1837 to the degradation of witnessing a general suppression of specie pay-

ments by the banks. These acts, connected with the corrupting system of party discipline, introduced by that administration, with the view of compelling private judgment to succumb to the behest of the party, completely separated me from the administration of Andrew Jackson." (See his letter of date May 1st, 1839, and addressed to the people of Augusta and Rockbridge counties.)

In the Senate, he opposed the annexation of Texas, a revenue tariff, and a war with England on the question of the Oregon boundary line, saying in regard to Oregon, "while our title to the whole of that vast region extending westward from the Rocky Mountains to the Pacific Ocean, and the 42nd degree of north latitude to 54°, 40', was certainly as good as that of any other nation, and probably better, we had ourselves, on repeated occasions virtually admitted that it was not so complete and unqualified as to preclude all other claims to any portion of it; and therfore a war for Oregon, unless an attempt was made to wrest it forcibly from our possessions would be not only a blunder but a crime."

The annexation of Texas he opposed on many grounds. He declared first that America was already too vast to be national, and too rich to be democratic, and any extension of her borders would increase the evils. Secondly, he objected to a clause in the constition of Texas which refused to the legislature power to pass laws for the emancipation of slaves. Thirdly, he was opposed to the United States Government assuming the debt of Texas and he thought annexation might lead to useless wars about boundary, etc.

On the question of the tariff, he held that direct protection was a legitimate object of legislation and he opposed any tariff which gave merely incidental protection. He derived his doctrine on the question both from the necessity and jus-

tice of the case, and the explicit avowal of those who framed the constitution and of those who sat in the first Congress under it, that it was designed and desired to lay duties for the encouragement and protection of domestic manufactures and he would allow no arguments of expediency to induce him to abandon his ground and to fall in with the friends of a revenue tariff giving incidental protection. This phraseology he denounced as a device of demagogues who were willing to conceal or abandon their principles in order to secure success. He also supported the "Monroe Doctrine," opposed nullification and secession, and favored a United States bank and popular education by means of State aid. He also spoke on behalf of a generous system of internal improvement and against the great liberty of divorce. In a word, he gave a general support to the principles of the old Whig party and occupied a position of commanding influence. His speeches in the Senate, like those at the bar, were distinguished for their clear, nervous brevity. And the great men of the day, B. W. Leigh; John J. Allen, R. E. Scott, William C. Rives, Vincent Witcher, Wm. Daniel, R. C. Conrad, and others, declared were equal to anything ever heard in a deliberative assembly. He was consulted and deferred to for the wisdom, sagacity and moderation of his counsels and was usually styled the "Nestor of the Senate." His influence was paramount and always exerted for the public good, and the prosperity of Virginia, for half a century; indeed, up to the civil war, was to no inconsiderable degree, due to the wise advice of this patriotic and public spirited man.

Some years before he entered the Senate, he had grown stout, weighing 220 pounds, his fine silk-like hair was snowy white, his face florid, his eyes bright, piercing and thoughtful, and in silence his calm and serene countenance gave him

a majestic and graceful appearance. Alexander McD. Cowan, writing of him in the Vindicator newspaper of Staunton, February 18th, 1887, says; "Mr. Peyton was a remarkably handsome man, being of a fine figure and size, and with a face whose every feature was well-nigh faultless in shape and expression. Indeed, the word superb which used to be applied to the late Gen. Hancock's commanding appearance, might with equal oppropriateness have been applied to John Howe Peyton." Gen. William Preston, of Kentucky, told the writer he was, when he first met him in 1835-6 at the White Sulphur Springs, the "finest specimen of the Virginia gentleman of the old school, in his scrupulous, old fashioned courtesy, and open handed liberality, in his dress and appearance, he had ever seen—was not only an honor to the State but to human nature." His health was good up to the age of 66 years, his step firm, his figure erect; in fact, he was as straight as a dart, and there was something in his look which seemed to arise from an innate disposition of the mind or the workings of a great soul.

He kept up a large establishment at his elegant home of Montgomery Hall, having over fifty servants about his premises, entertained a great deal of company in a delightful manner, gave sumptious dinners and a great many of them, and of other entertainments—in fact, he kept open house, and while he set no bounds to his generous hospitality, there was no ostentation or vain display, though his house and furniture were thoroughly well appointed. His guests were among the most distinguished for talents and acquirements, for rank and station in the State and country. It was said, therefore, that at Montgomery Hall you were sure to enjoy the "feast of reason and the flow of soul." While he entertainad so well, he was himseltf abstemious in his habits and denied himself animal food one day in every week.

He was wise and prudent in forming his intimacies and friendships, but when once a man's friend, unless for some good cause, he was ever constant and unchangeable, and there was no length to which he would not go to serve a friend. On one occasion, when in the Senate,he sacrified the office of Govenor of Viginia, to which he was about to be elected, to serve a friend and to secure the election of his friend, as he did, to the position of Judge. At another time, for he was a friend who "abided in the day of trouble" he offerd a friend in distress from pecuniary losses, the occupation, use and proceeds of one of his estates in Alleghany county, of nearly 5000 acres of land and a large number of servants. In this munificient spirit of liberality and generosity, he sought to provide for this unfortunate friend and his dependant family. So constituted was he, that it was often said that if a man's friend, he was the friend of his family, indeed of everybody connected with him—in a word he took the whole tribe to his heart. As a master, he was kind, humane, just and ever mindful of the wants of his servants, provided every family with a good house and garden, extended to them the privilege of raising poultry, pigs, etc., and of enjoying the fruits of such care and industry as they chose to bestow on them, during time allowed for this purpose. And he was so loved and respected by his servants that they considered it a favor, not a task, to do his bidding. But when there was occasion for it, he could be severe, and required a strict account from all.

Every community has its leading spirit, who,to a certain extent, impresses his character upou it and brings it up, in a measure, to what that choice spirit is, and that is precisely what Mr. Peyton did. He was identified with every interest of the people, with their trade and commerce, with the material development of the State, and its moral, educational and

religious prosperity. He was honest and upright in the highest degree, and never violated a trust, but was ever faithful to every obligation. His heart was full of that charity which "vaunteth not itself and is not puffed up." The poor, the afflicted, the distressed, whether "in mind, body or estate," were recipients of his kind deeds, and the widow and orphan knew him in their extremity. Principle dictated all his acts and he never departed a hair's breadth from the line of duty.

He was warm hearted, genial, and kindly, was fond of intellectual society, in which he was sure to shine, was given to hospitality and entertained more company probably than any gentleman of his day in Virginia; in fact, lived with open house.

Among other accomplishments, it should be remembered that he was a refined and robust writer, and had his professional and business engagements permitted, he would doubtless have been a famous author. Now and again he indulged, in an hour of leisure, in preparing an article for the British Reviews. They showed eminent literary talents. Those productions were, for the most part, destroyed in the library of his son, Col. J. Lewis Peyton, which was stored for safe keeping during the Civil War, on his Jackson River estate in Alleghany county, where they were burnt by Federal troops. His essays were generally on subjects of utility to the State and country, but some times his disquisitions were on moral and metaphysical science, and were remarkable for their clearness and force—no man, indeed, could have presented his views in a more perspicuous, more forcible or convincing manner. Judge McCue says, "his conception of a great subject and mode of expression were as clear, distinct and demonstrative as were those of Edmund Burke."

In a brief sketch only his salient points can be touched upon. Enough has been said, however, to present a fair idea of the superior mental and moral endowments of this extraordinary man. For his wonderful lifelong labors he did not receive, though having a most extensive and fairly lucrative practice—probably the largest of any lawyer in Virginia—a tithe of the annual income of a modern millionaire, but he accomplished great and noble ends, and no language can describe the inward satisfaction, the mental pleasure he must have enjoyed. He rejoiced in what riches cannot purchase, the love, admiration and respect of every one, from the humblest mountaineer to the highest official in the land.

His name has not perished and will not, but will grow greener with years and blossom through the coming ages. This little tribute, it is hoped, will extend and confirm the reputation of a man worthy of universal admiration. May it, however, do more. The fame of the truly great can only be of use when stimulating by example. Let every reader of these pages consider what he can contribute towards the same great cause of social melioration, what sacrifices he will make to reclaim the vicious, instruct the ignorant, cheer the disconsolate, what selfishness and bigotries he will relinquish; what benevolence, justice, charity he will exercise, and what, in a word, he will do to imitate the example of heroic worth given us by this truly wise and good man.

He was struck down by apoplexy in 1845, recovered sufficiently to walk about his house, but was disabled in 1846, by a second attack accompanied by paralysis. His mind, however, continued clear and vigorous, though his voice was indistinct. This was illustrated by his ability displayed on his sick bed, in a conversation with the late Col. John B. Baldwin, in which he gave him the points and elucidated the intri-

cacies of an important and difficult law case, then in progress, and cited the authorities. Throughout his illness, he endured his sufferings with patience and meekness, and died at Montgomery Hall, April 3d, 1847, leaving the reputation of having been a perfect gentleman, the soul of honor, and the pink of chivalry.

MR. PEYTON'S REPORT IN 1810.

VIRGINIA LEGISLATURE.

EXTRACT FROM THE MESSAGE OF GOV. TYLER OF VIRGINIA, DECEMBER 4TH, 1809.

A proposition from the State of Pennsylvania is herewith submitted, with Gov. Snyder's letter endorsing the same, in which is suggested the propriety of amending the constitution of the United States so as to prevent collisions between the government of the Union and the State government.

HOUSE OF DELEGATES.

Friday, Dec., 15th, 1809.

On motion ordered that so much of the Governor's communication as relates to the communication of the Governor of Pennsylvania, on the subject of an amendment proposed by the legislature of the State to the constitution of the United States he referred to Messrs. Peyton, Otey, Cabell, Walker, Madison, Holt, Newton, Parker, Stevenson, Randolph, Cocke, Wayatt and Ritchie.

Thursday, Jan., 11th, 1810.

Mr. Peyton from the committee to whom was referred that part of the Governor's communications which relates to the amendment proposed by the State of Pennsylvania, to the constitution of the United States, made the following

REPORT.

"The committee to whom was referred the communication of the Governor of Pennsylvania, covering certain resolutions of the legislature of that State proposing an amendment of the Constitution of the Uunited States by the appointment of an impartial tribunal to decide disputes between the State and Federal judiciary, have had the same, under their consideration, and are of opinion that a tribunal is already provided by the Constitution of the United States to wit; the supreme court, more eminently qualified from their habits and duties, from the mode of their selection, and from the tenure of their offices, to decide the disputes aforesaid in an enlightened and impartial manner than any other tribunal which could be selected.

The members of the supreme court, are selected from those in the United States, who are most celebrated for virtue and legal learning, not at the will of a single individual, but by the concurrent wishes of the President and Senate of the United States; they will therefore have no local prejuices or partialities. The duties they have to perform, lead them necessarily to the most enlarged and accurate acquaintance with the jurisdiction of the Federal and State courts together, and with the admirable symmetry of our Government. The tenure of their offices enables them to pronounce the sound and correct opinions they may have formed without fear, favour, or partiality.

The amendment of the Constitution proposed by Pennsylvania seems to be founded upon the idea that the Federal judiciary will, from a lust of power, enlarge their jurisdiction, to the total annihilation of the jurisdiction of the State courts; that they will exercise their will instead of the law and the Constitution.

This argument, if it proves anything, would operate more strongly against the tribunal proposed to be created, which promises so little, than against the State courts, which, for the reason given, have every thing connected with their appointment calculated to insure confidence. What security have we, were the proposed amendments adopted, that this tribunal would not substitute their will and their pleasure in place of the law? The Judiciary are the weakest of the three departments of government, and least dangerous to the political rights of the Constitution; they hold neither the purse, nor the sword; and even to enforce their own judgments and decisions, must ultimately depend upon the executive arm. Should the Federal judiciary, however unmindful of their weakness, unmindful of the duty which they owe to themselves, and their country, become corrupt and transcend the limits of their jurisdiction, would the proposed amendment oppose even a probable barrier to such an improbable state of things?

The creation of a tribunal, such as is proposed by Pennsylvania, so far as we are able to form an idea of it, from the description given in the resolutions of the Legislature of the State, would, in the opinion of your Committee, tend rather to invite them to prevent collisions between the Federal and State conrts. It might also become in process of time, a serious and dangerous embarrassment to the operations of the general government.

Resolved, therefore: That the Legislature of this State do disapprove of the amendment to the Constitution of the United States proposed by the Legislature of Pennsylvania.

Resolved also: That his Excellency the Govenor be, and he is hereby requested to transmit forthwith a copy of the foregoing preamble and resolutions to each of the Senators and

representatives of this State in Congress, and to the executives of the several states in the union, with a request that the same be laid before the Legislature thereof.

The said Resolutions being read a second time, were, on motion ordered to be referred to a committee of the whole House on the state of the Commonwealth.

Tuesday, Jan. 23rd, 1810.

The House according to the orders of the day, resolved itself into a Committee of the whole house on the state of the Commonwealth, and after some time spent therein, Mr. Speaker resumed the chair, and Mr. Stannard of Spottsylvania, reported that the Committee had, according to order, had under consideration the preamble and resolution of the select committee, to whom was referred that part of the Governor's communication which relates to the amendment proposed to the constitution of the United States by the Legislature of Pennsylvania, had gone through with the same, and directed him to report them to the House without amendment, which he handed in to the clerk's table.

And the question being put, on agreeing to the said preamble and resolutions, they were agreed to by the House unanimously.

Ordered that the clerk carry the said preamble and resolutions to the Senate, and desire their concurrence.

IN SENATE.

Wednesday, January 24th, 1810.

The preamble and resolutions on the amendment to the constitutition of the United States, proposed by the Legislature of Pennsylvania by the appointment of an impartial tribunal to decide disputes between the State and Federal judiciary, being also delivered in, and twice read, on motion was

ordered to be committed to Messieurs Nelson, Currie, Campbell, Upshur and Wolfe.

Friday, January 26th, 1810.

Mr. Nelson reported from the committee on the preamble and resolutions on the amendment, proposed by the Legislature of Pennsylvania, etc., that the committee had, according to order, taken the said preamble and resolutions under their consideration, and directed him to report them without any amendment.

"This important state paper," says Judge McCue, "can be seen in the works of Daniel Webster, vol. III, pp. 352–54, and so able were these views and resolutions, considered at the time, as to attract the attention of the leading Statesmen of the country, and they guided the other States in the adoption of similar resolutions, thus overthrowing the effort of Pennsylvania to establish a separate and distinct judicial department as arbiter between the Federal and State Governments."

In the great debate in the United States Senate between Daniel Webster and Gen. Hayne, of South Carolina, Mr. Webster quoted Mr. Peyton's preamble and resolutions, as so conclusive of the questions involved, as to admit of no further discussion. In a subsequent pages of Judge McCue's sketch, an interesting conversation between Mr. Webster and Daniel Sheffey is reported.

DISEASE LEADS TO HIS CHANGE OF HOME.

For several years previous to 1808, Mr. Peyton suffered with a disease of the stomach and bowels—a chronic disen-

tary, which baffled the skill of his physicians. He consulted many of the eminent doctors of Virginia and Maryland in vain. The numerous remedies they prescribed were taken without good effect or gave only temporary relief. As a last resort he determined, on the advice of his family physician and his most intimate friends, to try the efficacy of the mineral waters of the Virginia Springs, and accordingly spent the summer of 1806–7 at that famous resort, the old Sweet Springs, in Monroe county. A use of the waters in a very brief period, gave him relief from his sufferings, and at the end of the season his health was re-established. He quickly decided, painful as was the severing of early ties, and the seperation from friends; to leave the malarial regions of lower Virginia, and to make his home in the healthy and bracing climate, west of the Blue Ridge. Accordingly in 1808 established himself in Stannton.

AGRICULTURAL SOCIETY.

The deep interest taken by Mr. Peyton in all matters likely to promote the thrift of the people and the public prosperity, and to which repeated reference is made in the various sketches of his life, is illustrated by the following facts:

At a meeting of the people of Augusta, held in Staunton in June, 1811, to form an agricultural society, the first ever organized in the county, he was present and appointed on what was styled the Committee of Correspondence, a committee, no doubt, raised to induce by letters the leading men of the county to co-operate in the cause.

MILITARY SCHOOLS.

In view of the war threatened with England the year following a military association was formed in Staunton, and a committee was appointed at a public meeting to deliberate and report on the best means to be adopted in order to secure the establishment of military schools in the counties of Augusta, Rockbridge and Rockingham for the instruction of officers and men. This committee, of which Mr. Peyton was a member, reported to a meeting of the association held in Staunton June 20th, 1812. It does not appear by whom the report was written, but it embodies his sentiments on the subject, and is therefore given as follows, namely:

"The committee to whom was referred a resolution of the Staunton Military Association, which has for its object the establishment of military schools, having had the subject under consideration beg leave to report.

The committee deem it unnecessary to refer to any other authority than the good sense and honest feelings of every man, to prove the great utility, at all times, but more especially at this, of military instruction to the people of this country. The subject, there at least, is a new and difficult one; and the committee are very sensible that any plea which they can suggest will have many palpable obstacles to encounter and may be exposed to various others, which they cannot foresee. They rely for every hope of success upon the acknowledged value of the object in view, upon the patriotism of the people, upon the order of the present times, and upon the success of the experiment, which this society has made.

A military school, in which could be taught the complete discipline of a refinest, the different exercises of the rifle

corps, the artillery and the infantry, together with the cavalry exercises of the sword, though it could not promise to teach the whole principles of war as a science would certainly promise much that would be eminently useful to every soldier and officer in the institution. And your committee cannot refrain from suggesting that a school for these purposes, successfully conducted, might serve as an introduction to some more extensive and some more perfect system of military education.

To obtain a person capable of conducting such a school, would not always be easy; such a person is not very readily to be met with, and what is yet more difficult, funds to remunerate his services, are to be raised by voluntary contribution. But at present, judging from their own experience, in this society, your committee think that a person whose skill, information and zeal in military affairs, would enable him to conduct such a school, may be found in your commandant, and they hope that funds to compensate his services are within the reaeh of an active and spirited exertion. They hope that the neighboring counties of Rockbridge and Rockingham would consider the subject as worthy of their attention, and might be induced to unite with the people of Augusta in their endeavors to attain it. A sufficient number of subscribers in the county of Augusta alone would probably not be obtained, to induce any one properly qualified, to devote his time to this service. But by the union of Rockingham and Rockbridge this might be effected.

Your committee would therefore recommend to the society, the adoption of the following resolutions:

Resolved, that subscriptions be opened in the county of Augusta, under the immediate superintendance of a committee of seven persons, appointed by this society, for establish-

ing a military school in the town of Staunton to be denominated the Staunton Military School, to commence on the 15th day of July next, and continue for one year thereafter, and be under the directions of Capt. George Turner; the presnt commandant of this society—that the times of teaching and price to subscribers be regulated by said committee and the commandant in conjunction, so that the days of teaching be not less than one day in each fortnight, and the price to subscribers be not more than ten dollars per annum, payable quarterly in advance.

Resolved, that it be recommended to the commandant to endeavor to establish similar schools in the neighbouring counties of Rockingham and Rockbridge, and that the committee aforesaid be instructed to invite, respectfully, the co-operation of those counties."

THE WAR OF 1812.

The year following, President Madison sent a war message to congress and such was the popular excitement growing out of the British claim entitled the "Right of Search," and the collision between the United States frigate, *Chesapeake*, and the British frigate, *Leapold*, in 1807, which had never been allayed, that war was declared by the United States against Great Britian, on June 18th, 1812.

The nation was much divided on this policy. By the opposition party, the main strength of which was in the Northern and Eastern States, it was considered a mere administration measure, resistance to which argued no want of patriotism, but quite the contrary and so from the beginning to the

close of hostilities, the Federalists did all they could to stay the course on which they thought the Government was driving to destruction. The Hartford convention met, and some of the New England States went so far as to nulify an act of Congress regarding enlistment. During all this time, the country was in great want of resources, which nothing but unanimity could supply. The army was but a handful, and the Militia, instead of coming forward in large numbers, remained at home to attend party meetings and discuss the right of the Government to call them out; the supply of war material was very scanty, and the Treasury almost empty.

Such was the unpromising state of affairs, when John H. Peyton, who had voted for Mr. Madison and warmly supported the war policy, came foward and exerted every energy of mind and body to stir up popular enthusiasm in support of the war. He volunteered at once, to serve in the army, until peace was restored, and was immediately appointed Chief of Staff to Gen. Porterfield, an old Revolutionary officer, who, while serving as a Lieutenant in 1780,at the seige of Charleston, S. C.,had killed by his side, Captain Valentine Peyton, a young and gallant cousin of J. H. Peyton. Forgetting everything but his duty to his courntry, which was with him, and every true patriot paramount. Mr. P. abandoned his lucrative practice, which more selfish men sought to appropriate, and his wife and family and joined the army on the James river in Eastern Virginia, with the active operation of which he was identified until the decleration of peace, February 17th, 1815.

The "Republican Farmer" went out of existence, no newspaper took its place for years and we have seen no account of the army services of Major Peyton beyond the statement that he was "one of the most enterprising and daring officers in the service," but more than thirty years after the

end of the war, and his death, his minor children received from the Governmeut, a pension for his services.

ANECDOTE OF THE FIGHTING MAJOR.

The late Adam Bickle, of Staunton, father of R. G. Bickle and a member of the Augusta Force, use to enjoy telling an anecdote of Major Peyton. He said that repeated complaints were made by the soldiers as to the musty flour and inferior bacon furnished by the commissary, to the troops, while stationed at Camp Holly. On one occasion, Major Peyton remonstrated with the commissary, on the character of the stores, when that officer flew into a passion and grossly insulted the major, whom he alledged, was not the proper officer to take him to task. Without a moments thought Major Peyton knocked him down with the hilt of his sword, and gave him a thorough drubbing in presence of the men. This would appear very curious to persons accustomed to European discipline and standing armies, but with the raw levies, of eighty years ago, was much enjoyed and thought not to be greatly out of place. It had the effect of endearing the Major to the men who never in any kind of subsequent trouble, failed to appeal to him.

Many years after one of Major Peyton's young children hearing of this affair, enquired if the commissary had challenged him. The Major replied that he had not. But continued the child "suppose he had, what would you have done?" Why said the Major, "I would have answered him as humorously as did the gentleman spoken of by Dr. Franklin," "A gentleman in a coffee house," said the Major "desired another to sit further from him. Why so? Because you stink! That's

an insult, and you must fight me. I will fight you, if you insist upon it, but I do not see how that will mend the matter, for if you kill me, I shall stink too, and if I kill you, you will stink, if possible, more than you do at present."

A WESTERN TRIP IN 1815.

Shortly after the close of the war, Mr. Peyton made a visit to Kentucky on business, one object being to look after fifteen hundred acres of land belonging to his wife lying near Louisville, a property which has since become of immense value. He was accompanied by Ned Phipps or Fibs, his body servant during the war, a faithful negro, upon whose attachment he could rely. In his station few men behaved, as a rule, better than Ned, who had a certain amount of self respect, "nigger" as he was styled, and knew how to conduct himself, if he did not always do it. They made the entire journey from Staunton to Louisville, on horse-back, of course they were armed, as their route was through a wild and savage country, infested by Indians, many of them dissatisfied with the close and the result of the war; and a class of desperate whites, more dangerous than the red men, some of whom had served under Gen. Harrison in the North West, and were survivors of Fort Meigs, and the battle and massacre of the river Raisin. The Eastern part of Kentucky, known as the "Knobs," or the "Knobby country," is still a savage country in possession of a savage people, though traversed by the Chesapeake and Ohio Railroad which is supposed to have let in some of the light of civilization, and has gained an unenviable notoriety within the past ten years by reason of the bloody fueds between the Hatfields and McCoys. Through this wilderness

they travelled on miserable paths called roads, which connected the settlements, swimming rivers, and other water courses and resting of nights in log huts,alled country taverns promising accommodations for man and beast. And what is remarkable to relate completed their outward juorney and return to Virginia in safety.

When we consider what our ancestors endured, what hardships and privations they suffered, we are of the opinion that we enjoy to day, more physical, spiritual and intellectual benefits and blessings than have ever before fallen to the lot of man. Notwithstanding the rough experiences of this trip, Mr. Peyton found something bright in all he saw and heard, allowed nothing to depress his spirits, still less deepening sorrows, over the woeful complaints he listened to from back woodsmen of hard times and worse coming.

He was one of those men who make the best of every thing, there was nothing splenetic, melancholy, or timid in his nature, and he returned from his visit strengthened for his manly duties—his lawyer's life. Such was his devotion to the profession that he would allow nothing to permanently turn him from it, and he only served two years as Mayor of Staunton, to which position he was elected in 1817–18 because, the duties were so light that they did not interfere with his work, and his friends urged him to accept the place as, at that time, the currency was deranged, money scarce, and people depressed. From the fertility of his reources it was thought he would find a remedy for these evils. During his Mayoralty, the city made an issue of paper money and this circulating medium brought no small relief to the people. One of these "shin plasters," as they were termed in popular slang phraseology, was found a few years since, over eighty years from the time it was put forth; presumably in the stocking of some prov-

ident old woman, and was sealed up as a curiosity in the corner stone of the Confederate Monument in Thornrose Cemetary, at Staunton.

During the month he gave himself for relaxation and rest in Kentucky he enjoyed the society of such people as the Brown's, Green's Preston's Gov. Shelby, Col. R. M. Johnson, Natl. Hart, Robert Scott and other noted characters in that rich and lovely region. Some of these afterwards from time to time visited him, and greatly enjoyed the blandishments of Virginian society.

DECLINES AN APPOINTMENT.

On his return from his Western trip he was appointed deputy United States District Attorney for Western Virginia, and for a time discharged the duties of the office for his friend William Wirt. He had served in the Legislature in 1808-9, with Mr. Wirt and a strong mutual friendship was the result. On Mr. Wirt's resignation of the position and his removal to Baltimore, Mr. Peyton declined the office as conflicting with his other appointments, (which were more lucrative) and his extensive private practice.

We owe the following letters to the filial piety of Mr. Peyton's eldest daughter, Mrs. Susan M. Baldwin, widow of the late Col. J. B. Baldwin, who has preserved them since the Montgomery Hall family was broken up at Mrs. J. H. Peyton's death in 1850.

OLD FAMILY LETTERS.

Fawcett's Tavern, Green Valley, Bath Co., Va., June 1, 1822.

JOHN H. PEYTON TO MRS. PEYTON.

My Dear Ann:

I left home in such haste that I forgot to tell you to send

to Mr. Johnson's for a carboy of wine. Though you do not like it yourself, hospitality requires that you should always have it for those who do. Baldwin [Afterwards Judge Briscoe G. Baldwin, his life-long friend] and I were thoroughly drenched in the rain-storm on yesterday, but neither of us felt the slightest inconvenience from it this morning. No news, so far, from your mother or Mrs. Massie. Give my love to William [his only son by his first marriage, the late Col. William M. Peyton, of Roanoke] and be assured, my dear Ann, that you are, in your present delicate situation, the source of constant solicitude to me. Take care of yourself and go to no large parties. You will always have the company of Mrs. Johnson, Mrs. Donagho, Mrs. Baldwin, Miss Telfair, and you can not fail to enjoy such society. Write to me constantly.

With sincerest affection, though in great haste, your husband.

JOHN H. PEYTON.

SAME TO SAME.

Lewisburg, Greenbrier Co., June 5th, 1822.

My Beloved Ann:

I received your affectionate letter of the 2nd of June this evening which gave me great pleasure. When separated from you, there is nothing that gives so much delight as to get one of your cheerful letters. I regret to learn that you have been indisposed, however slightly, since we parted. I feel confident, however, that with prudence and care you will suffer as little as anyone from disease. You have a thoroughly sound constitution. If you were a little older I would add, a well preserved one. If I were to tell you how many kind

enquiries and good wishes have been expressed for you by friends here, you would be proud and happy.

I am much gratified to that you and my dear son William are again friends. I trust the reconciliation will be sincere and enduring. [Note.—It proved to be such and this reference is made to their relations in the memoir of Col. Wm. M. Peyton, "after the loss of his (Wm. M. Peyton's) mother, and Mr. Peyton's second marriage to her cousin, Ann Montgomery Lewis, * * William extended to her not only deference and respect, but a truly filial affection, Mrs. A. M. Peyton, was therefore soon warmly attached to him and and taught her children to love him before they learned to do so for his own noble qualities, for his native endowments and the extent of his accomplishments, as they were developed to the family in after years."] Our good brother, James Woodville, is now with me and we often talk of you. He is a most kind, sympathetic and affectionate friend. Dr. Lewis has at last, set out for Point Coupee. Massie and his wife are recovering. Your mother expected to leave on a visit to you on yesterday. Whether she has actually gone, I do not know. I hope she has. If not I shall return by the Sweet Springs and endeavor to induce her to go back with me. Whether she comes or not, be of good cheer. I shall be with you and will see that every comfort is provided that love and foresight can suggest. Woodville says your mother will certainly go down, and I trust she may, as it would be a comfort to you and a pleasure to us all. Your father looks quite well, is hale and hearty, and Mrs. Woodville, who is at the Springs, much better. James sends his love to you and William.

I am your affectionate husband,

JOHN H. PEYTON.

P. S.—Mrs. Woodville was very anxious to have accom-

panied your mother to Staunton, but James* bids me tell you he could not spare his wife so long.

LEWIS LITTLEPAGE.

*Note.—The James here mentioned was James Littlepage Woodville, who married Mrs. Peyton's eldest sister, Mary Lewis.—Mr. Woodville resided at Fincastle and Buchanan, and was a prominent lawyer and president of the Bank of Buchanan. His father was Rev. John Woodville, Rector of St. Mark's Parish, Culpeper Co., and a native of North Britain. He was a nephew of the celebrated, but eccentric Lewis Littlepage, whose career was brilliant and unequaled. Littlepage was born in Virginia in 1762, and died at Fredericksburg in 1802. At the age of 17 he went to Europe, and in 1779–80 accompanied Mr. Jay, American Envoy, to the Court of Spain, Madrid. Though only a youth, his fignre was fine and manly—his dark eyes bright and penetrating. Among his acquaintances he was regarded as a prodigy of genius and acquirsments.—Shortly after reaching Madrid, Littlepage separated from Mr. Jay's family, and joined as a volunteer aid, the duke of Cuillon, and was with the army at the seige of Minorca. At the seige of Gibralter he was on a floating battery and blown up, but being uninjured was rescued from the sea and distinguished himself during the further operations against that fortress. On the return of the fleet to Cadiz, he was sent with despatches to Madrid, where the Court received and treated him with much distinction. He then proceeded to Paris, and was on terms of friendship with Dr. Franklin, who was then living at Passy.—At Paris and Versailles this adventerous-young Virginian moved in the best society and at-

tracted marked attention from all. After a brief visit to London, he returned to the Continent and made a tour of Europe, establishing himself at Warsaw, where he was so popular that he rose to be in effect, the King's Prime Minister. He resisted and defeated the plans of Zamoyski before the Diet. He afterwards went to St. Petersgurg as Ambassador from Poland, and acquitted himself with distinguish ability and became a favorite of the Empress Catherine. The following letter of Lewis Littlepage to Lewis Holiday takes up the history of his life where our account ends and completes the story of his eventful career in Europe.

LETTER FROM JOHN H. PEYTON TO MRS. PEYTON.

Warm Springs, Sept. 2nd, 1822.

My Dear Ann:

I dined at the Hot Springs and arrived here last evening without accident or adventure and without increasing the inflamation of my wounded leg. Note—While opening the front gate at Capt. Massie's, in the Valley of the Falling Spring, Alleghany county, his riding-horse, a sprited but badly trained animal, sprang foward, dashing him against the gate-post, and the iron prog of the latch was driven through the calf of his leg, inflicting a painful and dangerous wound. The wound was so serious indeed that he was confined to the house for several weeks and owed his recovery mainly, as was thought, to the kind attenins of Mrs. Massie and her family.] Old Brinkly, who is here, and something of a leech, and a kind and excellent fellow, examined and dressed the wound last evening. He approves of all that was done by Mrs. Massie, and insisted that I should take the warm bath this morning and let the "*leg there soak for thirty minutes.*" I fol-

lewed his advice in the absence of a more scientific authority, and have just returned from the bath feeling all the better for having taking it. I thought the burnt alum which sister Susan put on the wound healed it too rapidly, and the effect of the bath has confirmed me in this impression. Immediately after leaving the bath, the blood spurted in a lively stream from the wound, which Brinkly soon stopped. He was not cast down at this incident, but said it was a good sign, that It was a discharge of bruised blood, and applied lint and Basilican plaster, and I now feel quite easy and comfortable. Brinkly is not a quack; on the contrary, he possesses some skill, and is anxious to be of service, not only to me, but to all suffering humanity.

There are a number of visitors still here, among them Norborne Nicholas, Judge Roane, Dr. Adams, Mrs. Harvie and Malinda Bowyer. They meet daily, Dr. Brokenborough included in the party, in my apartments, and we enjoy the reunion no little. All are exceedingly kind, they even oppress me with their friendly attentions. Having accepted the guidance of old Brinkley, I shall adhere to him as long as I improve. It may not be the best course, but it would be difficult to ascertain the wisest policy among such a multitude of counsellors, each one with an infallible remedy, and all advising a different course of treatment. But it is interesting to hear these good people discuss their theories. They are a remarkably cultured coterie to have remained behind the annual exodus, and all full of kindness of feeling. This I take to be culture, or the powers we acquire of sympathizing with others, of feeling the conditions under which they act and of regarding them and their interest rather than our own wishes and gratifications. Roane, who will stop with us three days, on his return from Richmond, and whom you have not met,

though I have known him for 20 years, is a man of superior abilities, and with considerable literary attainments, is accurate in legal learning and one of our best lawyers and judges. He is a good, but not what is styled a "brilliant talker," ready in his wit and pat in illustration. He amuses the mind by his happy conceits which, like a good conscience, act as medicine for both mind and body. I regret to say that his health is bad. [Judge Roane died Sept. 4th, 1822.]

Girard Stuart has just arrived from the Sweet Springs and says 160 visitors are yet there, and about 60 at the White Sulphur. I hope to see you and little Susan, Captain and Mrs. Massie, on Friday. Present me affectionately to Capt. M., Susan and the family.

Your affectionate husband,

JOHN H. PEYTON.

SPEECH OF JOHN H. PEYTON 72 YEARS AGO.

The following interesting extract from the records of the Superior Court of law and chancery for Bath county, 1822, will no doubt be read with keen zest at the present time:—

EXTRACT FROM THE RECORDS.

"At a Superior Court of law holden for Bath county at the court-house on the 5th day of September, 1822.

John H. Peyton addressed the court to the following effect:—

"The melancholy task devolves upon me [Mr. Peyton was Attorney for the Commonwealth in the county and circuit] of announcing to the court the death of Hon. Spencer Roane, one of the Judges of the Supreme court of Appeals of

Va. He departed this life on last evening at this place where he came a few weeks since for the recovery of his health.

In him the country has lost one of her most useful and distinguished citizens, liberty one of her most enlightened, firm and determined advocates, and the judiciary, one of its brightest ornaments.

As a small tribute of respect to the memory of the deceased, rendered peculiarly appropriate as it emanates from a department to which he was both personally and professionally attached, and from a court over which presides one who has long been his political associate and personal friend, I offer for adoption the following:

Resolved, That the court do forthwith adjourn and that the Judge, the Bar and the other officials of the court attend the funeral of the deceased.

The court and the Bar assenting to the resolution immediately adjourned."—*Spectator*, 1894.

SAME TO SAME.

Isleham, Jackson's River, March 7th, 1823.

My Dear Ann:

I arrived here on Thursday about 12 o'clock, after a very disagreeable and fatiguing journey. The day I left home, I had good roads and fair weather, and I reached Roadcap's on the great Calf Pasture River, near the Panther's Gap, where I lodged. The next day I traveled in the rain from morning till night, and over wretched roads, often a half leg deep in mire. My horse was so wearied and exhausted I could get no further than the Hot Springs, twenty miles. The next day I rode through sleet and rain, mire and mud to Capt. Massie's, where I stopped until the weather improved. I

then took your brother Benjamin with me to this point, where we have since been enjoying fine weather—the sky is now serene and the air mild.

The day I left Staunton Mrs. Massie set out for Fincastle on a visit to her sister, Mary, (Mrs. Woodville), who is, I am sorry to say, in declining health. She will make an effort to fetch Mary to her home, thinking the air and water of the Valley cannot fail to be of service to her. Capt. Massie and the children, your father and mother, and, indeed, all the family are in their usual good health and spirits.

A thaw has set in, the ice is breaking up, and the water courses rising. Vegetation is a fortnight later than last year at this time. The maple sugar season, which usually occurs in Februrary, is just now beginnig. Nelly is very busy over her pots and pans, but has only made thirty-three pounds. This she sends you to-day by Ben, who also carries, among other things, the cloth for a suit of clothes sister Massie presented me—the cloth is of her own manufacture and of fine and durable texture. Have this suit made up for me immediately and have the pantaloons cut by my wedding small clothes—they fit better than any of my others. If you are too busy to give this matter your attention ask Miss Tapp to attend to it. William will purchase the trimmings from Mr. Cowan. [Note—Joseph Cowan then the leading dry goods, merchant in Staunton.]

I have decided to send your carriage horses by Ben and to run the risque of making my journey through Pendleton on the mare I bought of Capt. Massie. She is rough, much marked with harness, but is young, active and though spirited, gentle. I prefer such a riding horse, unsightly though she be, to the slow, lifeless movements of Kelly, who is at the best a shuffling nag.

I am adding to the furniture and comforts of our house here—have directed Mrs. Walton to make you some handsome counterpanes and some linen sheets, table cloths and towels from the flax grown on the farm. I have also bought a supply of feather beds and pillows, and purchased a mirror and dinner service of Liverpool ware, the latter for use on great days and holidays when you favor the place with your presence.

The servants have put up 5,900 pounds of pork and large supplies of lard. There is every prospect that we shall have plently of fruit and vegetables, so that you will want none of the creature comforts when on your visit in August. The ice-house has not been commenced, and I fear will not be finished this season. Walton's delays are vexatious—I suspect he has an object in them—he fears to make this place too comfortable lest you may prefer it to Staunton, in which case his services might, and would be dispensed with. If I should be forced by his repeated neglect of my orders to dacline his services for the future, he will have fared as he hath wrought.

I hope to get a letter from you at the Warm Springs—do not expect another from me before my return. Ben unites with me in love to you, William and Susan.

I remain your affectionate husband,

JOHN H. PEYTON.

P. S.—Tell William the river could not be forded, or I should have sent for his minerals and other curiosities at McClintic's. Ben will take him his Indian arrows and stone cannon ball, though there is no account of the *Indians ever having used big guns*. Nelly sends Susan some maple sugar.

MAJOR JOHN LEWIS.

Mrs. Peyton made a visit to her mother at the Sweet Springs after the death of her father, Major John Lewis, which occurred at the Springs in 1823. Major Lewis ought to live in the memory of posterity, as he was in more ways than one a remarkable man, renowned among his comrades for courage, integrity, his high sense of honor and indomitable perseverance. Let us premise a word as to this heroic old man. He had long served in the Indian wars on the border and was present at the battle of Point Pleasant in 1774, an officer under command of his distinguished uncle, Gen. Andrew Lewis, commander-in-chief. During the arduous march from Fort Union through the wilderness and at the battle he infused his own spirit and energy into all about him, was already renowned for his precocious military talent at the opening of the Revolutionary war. About two years later he joined the Continental army as a Lieutenant, was engaged in nearly all the battles in the Northern Colonies, Monmouth, Saratoga, Trenton, etc., and spent the winter of 1777, at Valley Forge. Though a very young man he attracted and made the lasting friendship of Washington. He rose to the rank of Major, in which rank he served at the battle of Momouth. At the close of the war, to which he had devoted his energies, and just as he was in sight of the gloriours summit "where fame's proud temple shines afar," and his services would doubtless have been rewarded by high command, the strife ended by the recognition of American Indepndence. In 1783,

Major Lewis retuned to his Virginia home, without having won that extended fame which was so liberally meted out to those in high commands. From 1783, to Wayne's victorious campaign against the Western Indians, in 1794, Major Lewis was much on the frontier, had many encounters with savages and border ruffians, had many hair-breadth escapes and won great applause for his personal strength and boldness. In his frays with these fierce borderers he displayed extraordinary physical strength as well as indomitable pluck. He was only five feet ten inches high, but was strongly and compactly built, and his muscular power was enormous. It was commonly said that he was the strongest man in Virginia. His shoulders were broad and his chest deep. His countenance was frank, open, manly and cheerful, but at periods of danger stern and severe. In nature he was kind and gentle, was a humane and benevolent man, neither, showing ferocity nor indulging in cruelty. He died an Elder in the Presbyterian church, universally respected by all who knew him. During his career he made the acquaintance of Gen. Jackson, afterwards seventh President of the United States, who entertained and expressed the highest opinion of his military genius and of his pure and upright character. In 1830, when South Carolinia threatened nulification, General Jackson declared to a Virginian gentleman then in Washington, "That if he had a man like John Lewis to second him, he could go to South Carolina, hang Calhoun and end nulification within a month and forever." In 1830, the United States government made a large grant of lands to his heirs as a further recompense for his military services. It was during Mrs. Peyton's visit to her home in the Sweet Springs Valley, after her father's death, that the following letter was written:—

JOHN H. PEYTON TO MRS. PEYTON:

Staunton, Jnne 24th, 1823.

I duly received the letter of my dear wife on the 15th, giving me the agreeable inteligence that she and Susan had improved in health and were well. Let me say a word here on the subject of your and her health. Do not let her habits of life become too delicate. If you will both continue the practice of taking a cold bath every morning, you will soon regain your former healthly tone and Snsan become stronger and teethe easily. Whenever you suffer with heat and need refreshment resort to the warm bath, not oftener, however, than once a day. Do not allow the nurse to carry Susan in her arms as much as heretofor; let her place the child on the floor to there exercise by getting on her own way—'We must crawl before we can walk.' Nothing can supply the want of exercise, it gives the child confidence and the conversation of the nurse and the pointing out of objects pleases its fancy and arouses its faculties. Children that are too much nursed and codled are apt to be weak and delicate,and are sometimes even deformed by the carelessness of nurses in keeping them too long in improper positions. We cannot be too particular with this lovely child in whom we so much delight. The Masonic procession occurs to-day; it is in honor of John the Baptist. Dr. Stephens delivers the address [Rev. Dr. Stephens, Rector of Trinity Church, Staunton,] and the dinner is given at Mrs. Chamber's tavern. I can only participate in the dinner, as there is a trial of a negro for a rape committed on a white married woman, which will occupy my attention throughout the day. Now that he is within the toils of justice, I shall see that he does not struggle out and make his escape. Such brutal deeds must meet their just punishment.

Your friend Mrs. Baldwin is much engaged entertaining

her brother and his family, who are on a visit from Winchester. Such spare time as I have is spent with Johnson and his family, where I am almost domiciled, [Chapman Johnson the distinguished lawyer.] Johnson's health is much improved and his spirits are better. He no longer suffers with depression. He makes many friendly enquiries after you and his god-daughter, Susan Madison. He goes to the Sweet this summer with his family and sister-in-law, Agnes Nicholson.

I have directed the servants to make you a supply of currant jelly and walnut pickles. Sinah has also salted down, for winter use, a quantity of excellent butter. Is there anything else you would like to have done? If so, speak—you will not have to speak twice.

On Thursday I commenced my harvest. The wheat is much better than last year, and than I supposed it would be. The recent rains have improved the oats and corn, and there is promise of an abundant yield. Our hearts should be filled with thankfulness for the countless blessings God showers upon us. Why are we not stimulated to more and greater acts of beneficence.

My health has improved since I last wrote—my cold is gone, my appetite good and my spirits buoyant. I do not think I will ever lay aside my flannel again, certainly not before May is out. Dr. Boys and Gen. Brown both told me recently that they never removed theirs without taking cold, and for several years they have worn it all the year round.

I received a letter from Capt. Massie a few days since, from which I am happy to learn that he is recovering. I hope to meet Woodville soon, on his way to see his friends in Culpepper. I hear that Aunt McDowell is at Smithfield with your grandmother Preston, whose health is much impaired. James M. Preston writes urging me to make them a visit and

to fetch you and Susan along. Ballard is a stirring and promising lad. [afterward Wm. Ballard Preston, Secretary of the Navy in President Taylor's Cabinet.]

My engagements will not admit of my writing more.—Remember me affectionately to your mother, to Sister Woodville, to Sarah, Lynn, and all the children. Kiss Sue for me, and for yourself accept my best wishes for your health and happiness. Write as often as possible.

Your affectionate husband,

JOHN H. PEYTON.

Note.—Ben was by birth an African chief, and became Mr. Peyton's favorite man-servant. Captured on the African coast in 1807, he was brought to Virginia with a cargo of negroes and sold. At the auction Mr. P., who happened to be on the Lower James river at the time, became his purchaser. He was then about twelve years old, a strong, athletic boy, who grew to be 6 feet 2 inches high, and was as black as ink. He was named Ben Potter, probably after one of his captors. The interpreter gave an interesting account of Ben, and of the deference and respect paid him on the voyage by his fellow captives.—The young negro was so much impressed with the appearance and bearing of Mr. Peyton that he begged him through the interpreter, to become his purchaser. This he consented to do and Ben continued his faithful servant through life, till his (Mr. Peyton's) death in 1847. Ben was soon deeply attached to his master, was confided in, and trusted by Mr. Peyton and his family. On leaving home to go the round of the circuit, Mr. Peyton always placed his wife and children under Ben's protection and never had cause to regret it. He was sober, industrious and honest—every way worthy

of the trust reposed in him. Thirty odd years later, when Mr. Peyton was prostrated by paralysis in 1845, his attached servant and friend was ploughing in a field near the Montgomery Hall Mansion. Hearing cries of alarm from the family, he abandoned his team and ran to the house, and elbowing himself into his master's room assisted in ministering to him till the arrival of the family physician.

From that hour to Mr. Peyton's death in 1847, he slept in his room, helped to watch over him, administered his medicine, drove him in his phæton, when his health admitted of it, and looked after his comfort in every way, and was never over thirty minutes out of his presence till Mr. P. died, when he seemed broken-hearted. Mr. Peyton's executor offered Ben his freedom and a life annuity, which he declined—he preferred to remain with his old Master's children, and did so until his death, which occurred about 1855, the aged, trusted Servant sinking into the grave a sincere Christian, loved and respected by all who knew him, and with the confident hope that he would meet his old Master and friend among the Saints above. Among those whose admiration for the character of this faithful servant led them often to speak of him with pleasure, was the late Col. John B. Baldwin, who never, while he lived, allowed Ben, and the history of his good and faithful services, which for several years came under his observation, to go unmentioned—or unrewarded.

JOHN H. PEYTON TO MRS. PEYTON.

Warm Springs, Sept. 1st., 1823.

My Beloved Ann:

On the day we parted the Judge (Archibald Stuart) and

myself arrived without adventure at General Blackburn's. *

On the next day at Colonel Cameron's and on Tuesday at two o'clock arrived at Huntersville, the seat of Justice of Pocahuntas county—a place as much out of the world as Crim Tartary. Owing to the bad conditions of the roads we were much fatigued and bore many marks of travel-stain. The so-called town of Huntersville consists of two illy-constructed time-worn, (though it is not time which has worn them,) weather-beaten cabins built of logs and covered with clap-boards. My negro cabins on Jackson's river are palaces in comparison with them.

One of these wretched hovels is the residence of John Bradshaw, the other is called the Loom-house for these people are self-sustaining. They spin and weave. The big wheel and the little wheel are birring in every hut and throwing off the woolen and linen yarn to be worked up for family purposes. The home-spun cloth, too, is stronger and more durable than that brought by our merchants from Northern manufacturers.

In Bradshaw's dwelling there is a large fire-place, which occupies one entire side, the gable end. The chimney is enormous and so short that the room is filled with light which enters this way. It is an ingenious contrivance for letting all the warmth escape through the chimney, whilst most of the smoke is driven back into the chamber. In the chimney-corner I prepared my legal papers before a roaring fire, surrounded by rough mountaineers, who were drinking whiskey and as night advanced, growing riotous. In the back part of the room two beds were curtained off with horse-blankets—one for the Judge, the other for myself. To the left of the fire-place stood old Bradshaw's couch. In the loft, to which they ascended, by means of a ladder, his daughter and the

hired woman slept, and at times of a crowd, a wayfarer. The other guests were sent to sleep in the Loom-house, in which was suspended in the loom, a half-woven piece of cloth. Three beds were disposed about the room, which completed its appointments—one was allotted to Sampson Mathews, a second to John Baxter, the third to George Mays, and John Brown.* The loom was used as a hat-rack at night and for sitting on, in the absence of chairs, in the day. As there was not a chair or stool beyond those used by the weaving women, my clients *roosted* on the loom while detailing their troubles and receiving advice.

Bradshaw's table is well supplied. There is profusion, if not prodigality in the rich, lavish bounty of the goodly tavern. We had no venison, as this is a shy season with the deer, but excellent mutton with plenty of apple sauce, peach pie, and roasting ears. As a mark of deference and respect to the Court, I presume, we had a table-cloth—they are not often seen on Western tables and when they are, are not innocent of color—and clean sheets upon our beds. This matter of the sheets is no small affair in out of the way places, as it not unfrequently happens that wanderers communicate disease through the bedclothing. Old Bradshaw's family is scupulously clean, which is somewhat remarkable in a region where cleanliness is for the most part on the outside. A false modesty seems to prevent those salutary ablutions which are so necessary to health, and I did not commend myself to the good graces of the hired woman by insisting on my foot-bath every morning.

We remained five days at Huntersville closely engaged in the business of the Court, which I found profitable. Pocahontas is a fine grazing county, and the support of the people is mainly derived from their flocks of cattle, horses and sheep,

which they drive over the mountains to market. There is little money among them except after these excursions, but they have little need of it--every want is supplied by the happy country they possess, and of which they are as fond as the Swiss of their mountains. It is a pretty country, a country of diversified and beautiful scenery in which there is a wealth of verdure and variety which keeps the attention alive and the outward eye delighted.

On Saturday the Judge and I visited Sandy Lockridge, where we were very hospitably entertained. His house is every way a respectable dwelling, with plenty of room and much good furniture. On Saturday we returned to Col. Cameron's and this evening arrived here in sound health and excellent spirits, notwithstanding our rough experiences. I was much dissappointed not to find a letter awaiting me from my dear wife. Ben Crawford has, however, relieved my anxiety, by telling me that he saw you on Saturday sitting at the front window of your dining-room writing, and thought he heard the prattle of Susan in the room. I imagine you were writing to me and hope to-morrow's mail will fetch the coveted letter.

Your father's will has been recorded in Alleghany county and your brother William has qualified as sole executor—the sale is to take place day after to-morrow, but nothing will be sold but the live stock. I have seen none of our relations or connections since I left home—have learned these facts from others.

Accept the best wishes of your husband for yourself and our dear little girl, and believe me,

Yours affectionately,

JOHN H. PEYTON.

LETTER FROM JOHN H. PEYTON TO HIS WIFE.

In 1826, John H. Peyton obtained an appointment as cadet at West Point for his brother-in-law, John B. Lewis, of the Sweet Springs. As young Lewis was inexperienced, had never traveled beyond the limits of Virginia, Mr. Peyton determined to accompany him to the United States Military Academy, though the journey at that day was long and tedious and his professional engagements made his absence at any time a matter of great inconvenience to himself and clients.

The following letter to Mrs. Peyton will be read at this day with interest and something like astonishment, so great has been our progress and development within the past sixty-five years—such changes would hardly have occurred in European countries in centuries. At that day the old-fashioned stage-coach was still in use, there were few macadamized roads and no railways. The entire journey, therefore, from Staunton in Virginia, to West Point, was made in what were called "hacks,"—most of them rickety and unsafe, and in steamboats no better, and not so safe as the Tug and Ferry boats of the present and as unlike as possible the floating palaces of our day. It must be remembered that railroads were not opened in the United States until 1830, and travel was somewhat in the unsatisfactory state described by Mr. Pickwick.

"Travel," said Mr. Pickwick, "is in a troubled state, and the minds of coachmen are unsettled. Stage-coaches are upsetting in all directions, horses are bolting, boats are overturning and boilers are bursting." Such was true in no Pickwickian sense in our country in 1826, and the perils of traveling were increased by the use of high pressure engines

on the boats, and unskillful drivers and bad horses in the coaches. There was not much improvement in things in Virginia since A. D. 1665, when Colonel Valentine Peyton, of Nominy, in the county of Westmoreland, Virginia, thus remarks in his last will and testament [See April number, 1881, of the New England Historical and Geneological Register] before leaving home, "*being about to take a voyage to Jamestown and knowing the life of a man to be uncertain. I doe make this my last will and testament.*" If a man were indifferent to such dangers, there was little pleasure to be derived from traveling. The taverns were miserable, and the rural districts almost destitute of the comforts of civilized life. Excitement there might have been in journeying then, but none of the pleasant exhileration which attends a jaunt in a Pullman now-a-days. Mr. Peyton makes no complaints, though it is obvious from his description of a half-hour's "nap" on the Baltimore boat, that he had not stumbled upon a bed of roses.

JOHN H. PEYTON TO HIS WIFE.

New York, June 18th, 1826.

My Dear Ann:

On the 15th at 5 o'clock we left Baltimore on the steamboat for Philadelphia. The view of the city, Fort McHenry, the light-house on North Point, and of the Chesapeake Bay, with its numerous vessels spreading their canvas to the winds just as the sun was sinking below the horizon, was animating and enlivening, majestic and sublime. From the prow of the vessel, I contemplated this interesting scene as long as the light enabled me to enjoy its beauties. Soon after dusk a pealing bell summoned us to the supper table, where we were

surprised to find a sumptuous repast spread out. We had not anticipated such variety or delicacy of food. After partaking of the good cheer, we drew lots for our berths. I was unlucky—my berth was so warm, not to say hot and stuffy, that before I could get any sleep our arrival at French town was announced. Turning out at 12 o'clock at night, but with no regrets, we shortly after continued our journey, and at 3 oclock in the morning, found ourselves at New Castle. Here we re-shipped in a steamboat without berths. This I did not regret after my recent experience of them, and Benjamin and myself essayed to secure a half-hour's sleep stretched upon two pine benches. How long we might have courted sleep on these hard and narrow couches, I know not. We were not left to make the experiment any length of time, but were shortly roused up by the bustle among the seamen and passengers preparatory to landing at Philadelphia. The breakfast table, when we entered the so-called saloon, was smoking with coffee and steak, and about the time we had paid our respects to both, the boat was at Chestnut street wharf. Landing here we proceeded immediately to Campbell's, and it was a glad surprise to find him astir, thanks to the business habits of the city of brotherly love.

Under his guidance, after another cup of coffee and a hot roll, we proceeded to attend to the numerous commissions with which we were charged. This occupied us something over four hours, when we bade our friends adieu and went aboard the New York steamer. About 6 o'clock p. m. we reached Princeton, where I spent four of the happiest years of my youth, and which I had not seen since taking my degree in 1797. The stages were running with such rapidity, however, that it was impossible to call, as I wished, upon my old friends, Dr. Alexander and Prof. Comfort, or deliver the

letter for Miss Waddell, but I chanced to meet a young gentleman of my acquaintance from Washington, who stopped at Princeton, by whom I sent it to her.

I shall make it a point to stay over a day at Princeton on my return. In due time we arrived here. Benjamin is perfectly well, does not regard either the fatigues or loss of sleep, but I am worse for the wear and tear. And I would not advise those to take the trip whose only business is pleasure.

On yesterday I dined with Mr. Gallager, where I met Mr. Reid, who, you may remember, preached some time since at the Presbytery in Staunton. He is to preach in New York to-day, and I hope to hear him. He is highly esteemed here as a preacher and man. In the evening I took tea with Mrs. Murray, mother of my brother Rowze's wife, where all the family were collected round me making enquiries after their relatives and friends in Virginia. For the most part I was unable to gratify their curiosity, having recently neither seen nor heard of the kith and kin in Richmond or the Northern Neck.

At 10 o'clock to-morrow I shall set out for West Point with Gen. Huston, of Tennessee, to whom I was introduced on yesterday by Gen. Scott. [Gen. Winfield Scott.] I requested Miss Heiskell of Philadelphia, to execute Jane and Lynn's commissions, which she promised to do against my return.

Give my love to all the family,

Yours affectionately, though in much haste,

JOHN H. PEYTON.

ANECDOTE OF JOHN H. PEYTON IN A CRIMINAL CASE.

Shortly after his eldest son, William, entered upon the practice of law in 1823, when attending court at the Warm Springs, Bath Co., he mortified his father, John Howe Peyton, exceedingly by a piece of off-hand levity, which the latter regarded as a most undignified proceeding, unworthy of the profession. Young Wm. Peyton was employed to defend a man charged with horse stealing, and as there was only circumstantial evidence to prove his guilt, W. M. Peyton, who was much exhilerated, for it must be remembered that the case came on after dinner, set up the defence that according to the principles of science, and of a new science likely to prove both useful and ornamental, it was impossible his client could be guilty. He then referred to and explained the theories of Gall and Spurzheim, and declared that according to the phrenological bumps on the head of his client, theft was a crime he was incapable of committing. He argued with much gravity and ingenuity in this direction, amidst the suppressed giggling of the bar, to the great chagrin of his father, who was the public prosecutor, and to the thorough mistifica- of the county court. This body was composed of country gentlemen unacquainted with law, and it was one of their boasts that they made up their decisions, not so mueh in accordance with the principles of common law, as of common sense. W. M. Peyton went on, and drawing from his desk a copy of Combe's phrenology, illustrated it with plates, exhibited it to the jury, and declared that at the point on the

pericranium of his client, where there should be a protuberance if he were capable of robbery, there was not the slightest development, and asked, what is the value of science, if we discard its teachings? He then made an animated and eloquent appeal to the feelings of the jury, based upon the humane principle of the common law, that it is better that ninety-nine guilty men should escape than that one innocent person should suffer, and declaring his conviction of the prisoner's innocence, asked them to give him the benefit of every doubt and lean to the side of mercy.

His father, in reply, commented severely upon the airiness of his son, as inconsistent with the administration of justice and the dignity of the profession. He ridiculed Gall and Spurzheim's far-fetched theories, which he declared were not scientific deductions, but only speculative opinions, and brought the whole defence into contempt, by referring to the human skeleton, saying, "If you run your eye down the spine it alights upon the *oscoccygis*." Neither the court nor the jury understanding what these words meant, but overcome by the ludicrous manner of Mr. Peyton, both burst into a hearty laugh. "Now," he continued, "this oscoccygis is nothing more nor less than a rudimentary tail, as Lord Monbeddo has well said, and I suppose we shall have some modern philosopher startling the world again with the proposition that man once flourished a tail, but of which the civilized use of a chair has, in process of time, deprived him." He continued, somewhat in this style, "I say nothing against philosophers nor tails, both are useful in their way. What would a cow do without her tail, especially on our fly-pestered prairies, or the Pampas of South America? What would a monkey do without this caudal appendage and its prehensile quality? With him it takes the place of hands. And shall we have

philosophers telling us we received our hands when we lost our tails, and that the monkey lost the use of his hands because of his peculiar facility of using a tail? A beautiful science," said he, "is the phrenology, according to the theory of the learned counsel for the prisoner. To all standing in the unenviable position of his client, it will prove, if the learned gentleman be correct, not only a thing of beauty, but a source of comfort and a joy forever. To the murderer, the burglar, the highwayman, to all in fact, who wish to be rid of the responsibility which attaches to their actions, it will become a positive blessing. Not to these only, but to the entire community—it opens a brilliant prospect of life, of life as it should be in this enlightened age, at this advanced period in the progress of the world. Upon the ruins of our present immature civilization it will uprear a charming state of society. Under the vivifying influence of this new system, mankind will be happy, perfectly happy; and until the auspicious day when the new order commences, this "consummation so devoutly to be wished," need not be anticipated. Throughout the world, at least so much of it as is illuminated by the light of phrenology, perfect liberty will obtain, and the present generation will wonder at the darkness in which their ancestors groped. Justice will reign supreme, and our statute books will be no longer disgraced by those dreadful laws founded in ignorance, superstition and cruelty, which consigns a helpless and irresponsible man, criminal you call him, to the merciless hands of the executioner. It will be clear as the noon-day sun, that law and liberty cannot co-exist, that they are natural enemies. Along with this knowledge will come a resolution to demolish the whole system of our jurisprudence, to cart off the rubbish and substitute in the place thereof a new, nobler, and higher

civilization. Poor weak man will no longer be held accountable for his actions. The infirmities of his nature will become a recognized principle, that men are but men, will be evident to all men. It will be understood that from the foundation of the world it was determined, pre-destined, and fore-ordained that he should act thus and thus, and that, therefore, he cannot be justly rewarded for any action however meritorious, nor punished for any crime, as we term it, how atrocious soever. Men will stand aghast that laws should have existed, and for so many ages, for afflicting a human being for actions, over which it is clear, according to the prisoner's counsel, he had no control—actions, in fact, which they were bound to perform, by an irresistible law of human nature. Then will it be seen that men commit murder, pepetrate rape, and apply the torch because they cannot help it. Gentlemen of the jury; no line of argument would be shorter—I leave you to determine its soundness."

"But to be serious," said Mr. Peyton, who though cheerful in his disposition, had a manner so tempered with gravity as to check the indecent levity, "I must refer, before closing, to the condnct of the prisoner's counsel, and remark that some speakers are more anxious to display their eloquence, than to promote the public good. Now when this is the case, as I must charitably suppose it to be on this occasion, oratory is a useless gift, and such fine speeches as we have had to-day are simply disgusting. When great talents are employed to support a bad cause, perhaps from selfish motives, (I trust and believe that this is not the case now,) they are objects of universal contempt. Oratory, with all its pleasing charms becomes an instument of mischief, when used by an unprincipled man, as, when resorted to by a good man, its happy influences almost exceed belief. An orator, who thus uses his

talents, without reference to his personal interests, if he do not succeed in his efforts, at least enjoys self approbation and that of his God."

In this manner Mr. Peyton threw the defence into ridicule and disrepute. This sound sense and keen sarcasm was too much for Wm. Peyton's after dinner eloquence, and from a brief consultation, the jury returned and delivered a verdict condemning the prisoner to the penitentiary for two years.

The Hon. David Fultz, of Staunton, recently judge of the circuit superior court of Augusta county, who was present on this occasion, told the writer twenty years ago that he had never, during his career at the bar, been so much interested or amused by any trial as this. The disgust of my father at such a defence being set up, the elation of his son at the probable success of his ruse, the bewilderment of the court and jury, both of whom seemed lost in a fog, the suppressed merriment of the audience, which did not comprehend exactly all that was transpiring, but which to some extent entered into the fun, rendered the whole scene inimitable.

MR. PEYTON'S VIEWS AS TO A FIDDLING LAWYER.

"Music," said Mr. P., "is out of place in a court house. I never knew a fidddling lawyer to succeed, especially if nature designed him to play that useful, yet much despised instrument, the "second fiddle,"—a good enough instrument for a duet, but one on which no succesful *solo* was ever played."

MR. PEYTON ON RELIGIOUS AND POLITICAL TOPICS.

In 1840, Mr. P. and his brother-in-law, Colonel Wm. L.

Lewis, met at the home of a mutual friend. In religion Col. L. was a Roman Catholic and in politics a disciple of John C. Calhoun. Discussion arose between them and became so warm on the part of Col. Lewis, that their friends feared they might result in a feud. Not so, however. Mr. P.'s moderation was equal to his vigor, and he soothed his brother's discomfitures by his logical reasoning.

"There is no necessity, William," he would say, "for difference of opinion creating hostility. It must be admitted by all that there is great variety in the tastes, habits and opinions of mankind, and it is necessary that it should be so. That partial discord tends to general harmony is more than poetically true, for, if all men were to set their minds upon living in the same climate, or under the same government; or, if all the people of a country had an unconquerable desire to live in the same town; if all the inhabitants of a town were to have a good opinion of only one physician, or of only one preacher, or lawyer or mechanic, or could only relish one article of food, or fancy only the same dress; or, if all men were to fall in love with the same woman, or all the women with the same man, what would be the consequence? Why from a feeling of seeming agreement, universal discord would result.

Even the value of truth is best appreciated by the opposition it meets with, and falsehood and error are detected by the discriminating powers of opposite sensations and feelings. That there should not be uniformity upon many important subjects, such as the theory of government, etc., must be the stamp of heaven. For myself, I claim freedom of opinion as an inherent right, provided it does not disturb the established order of society. I fear your nullification views go this length. However, let me proceed: No man has a right

to be offended at my opinion, or hold me in contempt for entertaining it, for it does him no injury; and what I claim for myself, common justice requires that I should allow to others; and did we well consider, that this disparity of an overruling Intelligence, we surely should not suffer it to be the cause of feelings of animosity to our fellow human beings, though their political or religious opinions should be the opposite of our own—still less such old friends as ourselves. For, continued Mr. Peyton, unless we had been subjected to the same involuntary impressions and sensations that other persons have been, which is, perhaps, impossible, we can be no judges of the merits of their opinions, or how they have outraged truth and reason, even admitting that they are in error. If it should be contended that truth and reason are immutable, and when two differ upon a fundamental truth, there must be deviation from reason and truth in one of the parties. I would admit it to be so, if the question was susceptible of mathematical demonstration.

This is rarely the case—were I to meet a man who should contend that two and two do not make four, or that the amount of degrees in three angles of a triangle are not equal to the amount of degrees in two right angles, I must justly charge him with folly or wilful falsehood; but, in whatever does not admit of demonstration, our convictions are our feelings; and our feelings depend more upon involuntary impressions than we are often willing to allow. Certainly truth and reason are the most likely to prevail with cultivated minds, for truth and reason are the most likely to make the right impression, but we are too apt to over-value our own kind of knowledge, while we enderrate that of others.

In point of real utility, the knowledge of the man who is skilled in the breeding and feeding of cattle is more valua-

ble to society than is the knowledge of him who is skilled in mathematics, yet the latter will look down upon the former, when, perhaps, the only advantage he has over him is the being able to convey his knowledge in more correct and perspicuous language; and unless we possessed all kind of knowledge in an equal degree, we are liable to be imposed upon in some things, either by thinking too much upon them, or too much, to the exclusion of other branches of knowledge, the possession of which, though seemingly foreign to the subject, may be necessary to its clear elucidation; for it is by possession of general knowledge only that we can claim a superior title to correctness in every particular. A may be able to solve a difficult problem in mathematics; B can not do this, but B can make a plow upon true mechanical principles which A can not; if C can do both, C must be superior to A or B; but all mankind are in the situation of A or B, as possessing only partial knowledge. We should all, therefore, be indulgent to each others deficiencies. Still, my superior in general knowledge and learning, may be the dupe of a weak prejudice, without justifying an impeachment of either. "I have a brother-in-law" he would look askant at Colonel Lewis when getting off this kind of fillip, "of whose cleverness and general knowledge I have a very high opinion, yet in politics we are quite opposite. We indeed worship different idols, and the only superiority I can pretend to claim over him is, that I can bear for him to adore his idol, even in my presence, and yet keep my temper—a compliment he can not always repay."

"Fudge!" exclaimed the Colonel, jumping to his feet and walking hastily to and fro across the room, "I may warm with the subject, but as to being offended with you it is out of the question. I never have and never will so far forget myself."

"Come, come, be seated," Mr. Peyton would rejoin, giving him a friendly tap on the shoulder. "Let me proceed. Of conrse you will not think I wish to depreciate the value of truth and reason, I only wish to urge that the seeming want of them in others may be deceptions, and should not be the cause of contempt, acrimony or ridicule. All are enamoured with even the shadow of truth, and should see the substance, if in their power, but placed in a variety of lights and shades, some can only see the shadow, and mistake it for the substance." Thus their fraternal discussions proceeded and terminated in the discomfiture of Col. Lewis, who though a clever man, an eloquent talker, full of confidence, and abundance of zeal, was no such logician as Mr. Peyton, and left not the slightest pain rankling in his bosom.

"Now, William," said Mr. Peyton, "I cannot flatter myself that I shall convince you of any errors, which, in my opinion, you have been guilty of in this respect. That is no reason, however, why I should not attempt to make you entertain a disbelief of all foolish impossibilities. For example, there is the fallacious science of astrology—it has been the game of a few designers in all ages, for sordid interest, to have duped others and been duped themselves. In ancient times they were, in Alexandria, compelled to pay a certain tax, which was called the 'Fool's Tax,' because it was raised on the gain that these impostors made from the foolish credulity of those who believed in their powers of soothsaying. Well may believers in this science be called 'fools,' when they do not seem to consider that if the principles of judiciary astrology were correct, and its rules certain, the hands of the Almighty would be tied, and ours would be tied also. All our actions, all our most secret thoughts, all our slightest movements; would be engraven in the heavens in ineffaceable char-

acters, and liberty of conduct would be entirely taken away from us. We should be necessitated to evil as to good, since we should do absolutely what was written in the conjectured register of the stars, otherwise there would be falsehood in the book, and uncertainty in the science of the astrologer. How we should laugh at a man who thought of settling a serious matter of business by a throw of the dice. Yet the decision of astrology is just as uncertain. Our fate depends upon places, persons, times, circumstances, our own will; not upon the fantastical conjunctions inspired by charlatans.

"Suppose two men are born on our planet, at the same hour and on the same spot. One becomes a hewer of wood and a drawer of water, and the other an emperor, or a commander-in-chief of an army. Ask an astrologer the cause of the difference. In all probability he will reply, 'It was so willed by Jupiter.'

Pray what is this Jupiter? Why it is a planet, a body without cognizance, that acts only by its influence. How comes it then that Jupiter's influence acts at the same moment and in the same climate in so different a manner? How can that influence differ in its power? How can it take place at all? How can it penetrate the vast extent of space? An atom—the most minute molecule of matter would stop it, or turn it from its course, or diminish its power. Are the stars always exercising an influence, or do they exercise it only on certain occasions? If they exercise an influence only periodically, when the particles which, it is intended, are detached from them, are moving to our sphere, the astrologer must know the precise time of their arrival in order to decide rightly upon their effect. If on the other hand, the influences are perpetual, with what wonderful speed they must rush through the vast extent of space! How marvelous too must

be the alliance they form with those vivacious passions which originate the principal actions of our lives! For if the stars regulate all our feelings and all our proceedings, their influence must work with the same rapidity as our wills, since it is by them our will is determined.

HIS RELIGIOUS BELIEF.

Mr. Peyton was a firm believer in the doctrines of christrianity, and the experience of his life was that true happiness is only found in the observance of her precepts. He held that man must have some religion and the most perfect was that handed by Christ to his Apostles. He did not attach great importance to sects, and when asked whether he was a Catholic, Presbyterian or Episcopalian, answered that he did not find such words in the Testament—he was merely a christian; he believed in what was revealed to us in the Bible and submitted himself with humility to the Almighty power. He was brought up in the Episcopalian church and died a member of it.

MR. PEYTON'S ORIGINALITY AND POWER OF ILLUSTRATION.

"I recall a conversation," says one of Mr. P.'s biographers, "just after a protracted term of the Augusta Circuit Court, in which the late Judge Lucas P. Thompson and Gen. B. G. Baldwin bore the leading parts. Gen. B. was paying generous tribute to Mr. Peyton's force and originality. Judge Thompson remarked in substance, that he had never seen Mr. Peyton go through a cause deeply interesting and moving him, in which he did not utter some view or sentiment illuminated by genius, or at the least, some illustration

marked by a bold originality; and he instanced two causes, tried at the last term—one a civil suit and a very heavy will case, in which he made a novel and scorching application of a familiar fable of Æsop. I forbear to give its details, because both the critic and his subject have passed from earth.

"In the same cause three signatures were to be identified and proved—that of the testator and also of the attending witnesses—all three having died since their attestation. Many witnesses were called to prove the genuineness of the three names. Opposing counsel sought to badger the witnesses by urging them to specify what peculiar marks there were in the handwriting and signatures, whereby they could speak so positively as to their identity and genuineness. This of course for the most part they could not do, and in the argument of the cause before the jury the same counsel strove to throw discredit and contempt upon those witnesses (all men of good character) for their failure and inability so to describe the quality and peculiar marks in the caligraphy of the signers as to show they were familiar with their handwriting. In his reply to those sallies of his opponents, Mr. Peyton swept away the whole airy fabric by a single happy illustration:

"*Gentlemen, he said, "You have often been assembled in crowds on some public or festive occasion. Your hats have been thrown pell-mell in a mass with perhaps a hundred other hats, all having a general resemblance. Suppose you had attempted to describe your hat to a friend or servant, so that he might go and pick it out for you. It has as many points for accurate description as a written signature—its color, height of crown, width of brim, its band, lining, &c. Do you think that friend or servant could by any possibility have picked out*

your hat for you? And yet when you went yourself, the moment your eye would light upon it, you instantly recognize it amongst a hundred. Familiarity with it has stamped its picture on your mind and the moment you see it, the hat fills and fits the picture on your mind as perfectly as the same hat fits your head."

The jury were evidently won, and gave full credence to the ridiculed witnesses.

The other instance during the same term (cited by Judge Thompson) occurred in the celebrated prosecution of Naaman Roberts for forgery—in forging the name of Col. Adam Dickinson to a bond for six hundred dollars.

The body of the bond was confessedly the handwriting of the prisoner at the bar. That was admitted. The signature was a tolerably successful attempt at imitating the peculiar handwriting of Adam Dickinson. But no expert could look at the whole paper and fail to see a general resemblance between the body of the instrument and the signature, raising a strong conviction in the mind that both proceeded from the same hand.

The defense strongly insisted upon excluding the body of the instrument from the view of the witness, by covering it with paper, or turning it down, and so confining the view to the signature only—upon the familiar doctrine of the law of evidence forbidding a comparison of various hand-writings of the party, as a ground for an opinion upon the identity or genuineness of the disputed writing. And this point was ably and elaborately argued by the prisoner's counsel.

The learned prosecutor met it thus:

"*Gentlemen this is one entire instrument, not two or more brought into comparison. Let me ask each one of you, when you meet your friend, or when you meet a*

stranger, in seeking to identify him, what do you look at? Not his nose, though that is the most prominent feature of the human face; not at his mouth, his chin, his cheek; no, you look him straight in the eye, so aptly called the 'window of the soul.' You look him in the eye, but at the same time you see his whole face. Now put a mask on that face, leaving only the eyes visible, as the learned counsel would have you mask the face of this bond, leaving to your view only the fatal signature.

"If the human face so masked was the face of your bosom friend, could you for a moment identify him, even though permitted to look in at those 'windows of the soul?' No; he would be as strange to you as this accursed bond has ever been strange to that worthy gentleman, Colonel Adam Dickinson, but a glance at whose face traces the guilty authorship direct to the prisoner at the bar."

This striking illustration seemed to thrill the whole audience as it virtually carried the jury.

MR. PEYTON DECLINES A JUDGESHIP.

In 1824-5, Mr. Peyton received a highly complimentary letter from the late Col. S. McD. Moore, of Lexington, then a delegate to the Legislature from Rockbridge and attending the sessions in Richmond. The Colonel informed him that a caucus of members had been held on the subject of a judgeship then vacant, or about to become so, and that Mr. Peyton's friends were so largely in the ascendancy that his nomination by the caucus and election by the Assembly was certain, if only he would declare his willingness to accept the

position. The caucus had adjourned over to await his reply. The Colonel went on to say that he and two others had been deputed by the caucus with the agreeable duty of communicating with him, to ascertain his views as to the matter. We do not recollect what judgeship it was, but remember distinctly that Colonel Moore mentioned that in case of election, it would lead to, or require (we know not which) Mr. Peyton's change of residence to Richmond. In this letter Col. Moore on behalf of himself and his colleagues urged his friend to accept and presented many cogent reasons why he should do so. Proof against all importunities, Mr. Peyton politely but firmly rejected these overtures and declined under any circumstances to allow his name to be used in connection with the office. This circumstance is mentioned, not as an evidence of Mr. Peyton's indifference to preferment, which has sufficiently appeared, but to show the estimate in which he was held by the profession and to present, so far as possible, clearly and truthfully, the history of his life.

There is an old Spanish proverb which says, "Tell me whom you live with, and I will tell you who you are." We can infer what manner of man he was from the fact that through life, he was held in the highest esteem by the enlightened men of the day. From the ranks of the virtuous and wise came his friends, and what a source of happiness it must have been to him. It has been well said: "There is no blessing of life that is in any way comparable to the enjoyment of a discreet and virtuous friend. It eases and unloads the mind, clears and improves the understanding, engenders thoughts and knowledge, animates virtue and good resolutions, soothes and allays the passions and finds enjoyment for most of the vacant hours of life." If this be true, and who can doubt it? how much greater the happiness to be blessed, not with one,

but with many friends, and those friends, themselves worthy of every honor and praise. The steadiness and devotion of his friends is worthy of mention in this connection, they never deserted or betrayed him—on the contrary, through life, they gave him innumerable evidences of their appreciation. Some of his youthful college friends, they were not simply companions, among them Professor Comfort and the late John Yates, of Jefferson county, Virginia, visited him at Montgomery Hall, forty years after they parted at Princeton. And Mr. P's papers disclosed a correspondence with numerous others, such as John Sergeant, Joseph R. Ingersoll, Richard Rush, William Gaston, J. M. Berrien, of Georga, and others of his earlier friends, all of whom became prominent men.

For clearness of thought, force of reasoning and statesmanlike views on all questions of moment he had no superior, and such was his sense of justice and his impartiality, his powers of judicial analysis and insight, or the judicial character of his mind, that we have often heard the most gifted of his contemporaries regret that he had never sat upon the Justice Seat, where in their opinion, he would have equaled, if he did not surpass, the greatest judges who had adorned the bench of Virginia.

Notwithstanding his refusal to stand as a candidate for a Judgeship, he was voted for, in the General Assembly of Virginia in 1831-32, and came within a few votes of election. The result gave him satisfaction, for had he been chosen, he must have resigned, as unceremoniously as he was elected. He always explained to his supporters that he could not give up his extensive and lucrative practice, on account of his large and expensive family, for a poorly paid judgeship—and

besides he preferred the active and exciting life of a lawyer, to that of a judge, or in a word, the bar to the bench.

MR. PEYTON'S LETTER ON THE CONVENTION OF 1829-30.

For several years previous to 1829, rhe question of calling a Convention to form a new Constitution for Virginia was agitated. There was a kind of politlcal fermentation on the subject of innovation, with many persons, a strong desire to up-root the laws under which the State had so long prospered, and make a new experiment in government. The Ultras objected to the freehold basis of representation and demanded the white basis, or manhood suffrage, they opposed a judiciary elected for good behavior and demanded the election of judges at short intervals, by a popular vote. They objected to various other conservative provisions of the Constitution of 1776. Party spirit infused itself in all discussions and no small excitement was created in the public mind—as a result of the agitation on the subject. A convention, though opposed by the wisest men in the State, was finally ordered, and persons nominated for election were called upon to give their opinions through the newspapers, on the various questions which would come before it.

Among those asked for their views was Mr. Peyton, who published in the Staunton papers a long and able letter, in which he opposed the white basis; the election of judges by a popular vote and for a term of years; and advocated their election during good behavion, by the Legislature. He advised the retention, generally, of the conservative features of the old Constitution, and while he admitted that a few chang-

es might be made with advantage, warned the people against tampering with the laws, the currency and the peculiar institutions of the South. He added that he had voted against calling a Convention, believing that the Constitution of 1776, was better than any the people were likely to get from a new Convention; in a word, he bade them bear the "ills they had rather than fly to others they knew not of."

The letter was so conservative in character and so conclusive of the points at issue, that it was thought it would have gone a long way towards preventing the call of a convention, had it been published earlier. As it was, it only made the friends of organic change, more determined. They were bent on giving form and substance to their dreams, their passions were up and they would be satisfied with nothing else.

Some of the most advanced enthusiasts advocated, what are styled "women's rights," their right to vote, to serve on juiie, to hold office and the like—others were opposed to allowing a man to enjoy the fruits of his industry, and favored dividing out his income when it had reached a certain sum; no doubt some would have liked the principal divided also, others favored free inquiry, if any one knows what this means in a country where investigation and thought are as free as the air we breathe; free religion, which was supposed to have been settled by Mason's act of 1776, legalizing all forms of worship, commonly called the act of religious freedom, free morals and opinions, and it is not unlikely there were others who favored free love as a means of squelching out polygamy. One of the most notorious and eccentric of these social reformers, was Fanny Wright, not, however, a native or resident of Virginia; and it was said, with what truth we know not, that the sum of her teachings amounted to this, that any man who

donned a whole coat and a clean shirt was an aristocrat and ought to be put down.

These misguided people sought to break the force of his views by a loud outcry, saying he was an old Bourbon, entirely behind the age, a praiser of times past, like Nestor in the Illiad; who wished the laws of Virginia to remain unchanged and as unchangeable as were those of the Medes and Persians, and would have it so if left alone. A looker-on would have supposed this enlightened man and moderate conservative, from this kind of ultra nonsense, as extreme in his policy as the notorious Lord John Manners, a man of phlegmatical repulsiveness of manners, who in admiration of his class, once exclaimed, with idiotic fatuity:

> "Let wealth and commerce, laws and learning die
> But leave us still our old nobility."

The loss of Mr. Peyton's letter cannot be too much regretted. If reviewed the whole history of the Judiciary previous to and from the time of William III., when by act of Parliament the Judges were to hold office during good behavior, up to a later act of one of the George's, providing that their commissions were not to cease by demise of the Crown, and down to his day. He argued earnestly also, in favor of an independent judiciary, this question arousing his deepest interest, and showed up the curse of a venial and corrupt one, having in its unsafe keeping the lives, reputation and property of the people. He entered also, into an elaborate discussion of the question of popular representation, the first instance of which, it was stated, occurred in Aragon in the twelfth century, &c., and discussing the basis of representation, expressed himself, in case the freehold basis was discarded, as in favor of the mixed basis, taking into account both population and prosperity.

The letter breathed a really liberal and enlightened spirit in politics and religion, and made him the idol of the liberal conservatives. The extremist were, however, antagonized by it, and in their rage and disappointment, set to work to mar, if not destroy, his influence. While distorting and misrepresenting him and his opinions, they had the "cheek," to say, they did it "more in sorrow, than in anger."

Not at all disturbed by the hurly-burly, he laughed heartily at their nonsense, and said that these [illegible] enthusiasts in their efforts to emancipate man socially, morally, politically and otherwise from all the ills of life, were innovators running after something they would never reach, as the hind wheel of the carriage which is in constant pursuit of the fore one without ever overtaking it. And when he got a chance at one of the Ring Bosses, and he sometimes cornered one, he handled him after such a fashion, that the Boss never wished to see him again. To these Bosses distance ever afterwards, lent enchantment to the view, of this man of relentless logic, keen irony and withering sarcasm. Many of these socalled Reformers aimed at nothing worse than their own advancement.

From the foregoing synopsis of Mr. Peyton's letter it is evident, if he did not say so, that, in his opinion, love of variety and change, a desire to subvert the existing state of things, indicated both weakness and ignorance; that it is not the strong-minded and right thinking who desire to cut loose from the past, its traditions and customs and its endearing associations, but the stupid, whose wild and dangerous projects carried out, would, however, unconsciously to themselves, give us poverty in lieu of prosperity, licence instead of liberty.

MRS. ANNE PEYTON.

HER REMOVAL TO AUGUSTA COUNTY.

During the year of 1829, Mrs. Anne Peyton, the widow of John R. Peyton, the hero boy of '76, and mother of John H. Peyton, broke up her establishment at Stony Hill and removed to Stauuton. Some years before, namely on February 1st 1826, her son, Rowze Peyton, was married to a second wife, Eliza Murray, daughter of John B. Murray, a citizen of New York City, but a native of England. His Northern bride did not find plantation life congenial to her tastes and induced her husband to leave Virginia. After a brief sojourn in New York City, Mr. and Mrs. Peyton removed to Geneva, N. Y., where they long lived and both died, leaving a large and interesting family, now connected by marriage with many of the leading families of the Empire State—such as the Sewards, the Cuttings, Spensers, deZengs, Wilmerdings, Rathburns and others.

The venerable and respected mother of John H. Peyton was affectionately invited by her son and his wife, as soon as they heard of her intention to leave Stony Hill, to make her home at Montgomery Hall, which she decided to do. Mr. Peyton had built immediately, for her exclusive use, a comfortable brick residence in the grounds of and near the man-

sion. Here she took up her residence in the summer of 1829, and in that snug abode, she spent in singular ease and tranquility the rest of her life. At this time Mrs. J. R. Peyton was of large and striking person, dignified and graceful in manners. She was over 70 years of age, dressed in black, with a high-crowned white muslin cap and frill, a cap in the style of what is now known as the Martha Washington cap, and she looked at first sight eminently neat, precise and stately. She was in fine physical preservation and her mind and memory unimpaired. She was very accessible and companionable, she liked to see her friends and to chat, and her conversation was always full of thought and poetry. Her acquaintance with and knowledge of the leading Southerners of the pre and Revolutionary era was extensive, and she possessed a large fund of information on social, literary, and political topics. This and her anecdotes, racy and amusing, caused her society to be courted by such men as Gen. Baldwin, Daniel Sheffey, and Chapman Johnson. Her parlor was the center of attraction and the rallying point of the family. Her grandchildren especially gathered round her chair, and listened with infantile delight, to her graphic accounts of the war, of the officers and soldiers, of their hairbreath escapes, of the battles, &c., and at that early day became familiar with the names of the Washingtons, Masons, Conways, Fitzhughs, Lees, Scotts, Marshalls, Moncures, Daniels, Greene's, and other prominent people of the Northern Neck, and all more or less connected with the bloody drama of the war.

At the premature death of her husband, when only 45 years of age, she was left with the heavy responsibility of a large and helpless family, and an extensive plantation and many slaves. Had she possessed less character and spirit, less force and ability, she must have been prostrated. The disaster,

however, seemed to call forth her strength, and gave such firmness and elevation to her character, that her friends and neighbors were filled with admiration and delight. This excellent woman, who had been during the prosperous period of her husband's life, all weakness and dependence, now displayed heroic qualities, showed herself equal to the trying position in which she was placed, displaying a mental force and firmness truly astonishing,—every difficulty was overcome, every obstacle put aside. She entered on her new career soberly and seriously, devoted herself to the education of her children and the management of their property, The children were taught to think justly of themselves and kindly of others. She aimed to store their minds with useful information and to form their moral and religious characters—thus giving them correct, practical ideas and good habits. Religion was the basis of her teachings and her children went into the world with just notions of human life, prepared if prosperity smiled upon them, to receive it with humble gratitude, and if calamity supervened to endure it with dignified patience. A kind Providence prolonged her life to see them a joy and a comfort to herself, and an honor to Virginia. She governed and directed the affairs of her estate with such skill and discretion that Old Stony Hill* put on a new face, show-

STONY HILL.

*NOTE.—It may not be uninteresting to mention that the Stony Hill mansion was an old red brick building erected in the 17th century, with a wide hall and Grecian portico, commanding an extensive and beautiful view of Aquia creek and the Potomac river. The dwelling had grown to be a large and rambling domicile under the additions of four generations of the Peyton's, and all of them improving men. This fine old colonial house was demolished during the first year of the Civil-war, 1861-62, by Federal troops, on the spurious pretext that it was a necessity to have at once material for baking ovens. The old red bricks of this stately home, brought from England, as ballast in sailing vessels sent out to fetch back tobacco to Bristol, were

ed successful husbandry and yielded abundant crops—so much so, that the casual observer even could not fail to see that both white and black, there enjoyed prosperity and content. Greatly attached to this old family seat, where she had lived a half century, nothing but the marriage of her six children and their departure for new homes of their own, could have torn her from it. But when her only remaining son, Rowze, who had married a New York lady, mentioned his purpose of leaving Virginia and settling in New York, she quickly made up her mind to accept the invitation of her favorite son, John Howe, and to end her days at Montgomery Hall.

Mrs. Anne Peyton was a woman of worth, thoroughly honest, sincere and straightforward, with a fund of practical common sense. Her conversational powers were of no ordinary kind. A sincere, devout and humble Christian, a good wife, devoted mother, kind and sympathetic friend, she was in all respects a remarkable person. While it does not come within our scope to here enter at length into her life and character, it is right and due to her memory, that reference should be made to her exalted piety. So domestic, unobtrusive, and retired was her plantation life, that her name is little more than an echo in the age in which she lived, and might scarcely be even that, if it had not been kept somewhat in mind by the fame of her distinguished son. A considerable part of her time, after she fixed her residence at Montgomery Hall, was spent in the seclusion of her apartments, and much of every

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used to erect many ovens in which bread was baked for the invading northern army.

When John Peyton lived at Stony Hill the estate consisted of 1900 acres of fine land, and as far as the writer knows, still does. It is owned and occupied in 1894, by Mr. Moncure, a son of the late President of the Virginia Court of Appeals, Judge R. C. L. Moncure, whose widow still lives, and is a descendent of John Peyton.

day was given to meditation and prayer. She left behind many voluminous manuscript books, in whlch she had copied the Psalms, the Proverbs, and Ecclesiastes, and many striking passages from other parts of Holy Writ, and containing many prayers, (original and quoted,) and ejalulations, suited to various occasions. These were of the following character, which will give an idea of the whole: "Supply, Oh Lord, the wants of a heart which knows not even how to lay them open before thee, which does not so much as think of doing it, and which too often shuts out the light and consolation of which it stands in need." And—

"These, O Jesus, are the things I ask. Intercede for me, that I may be truly sensible of the diseases that I labor under, and thankfully embrace the means which thy goodness has ordained for my recovery. Grant that the end of all my actions and designs may be the glory of God. Enable me to resist all the sinful appetites of my carnal nature. Grant that I may hunger and thirst after righteousness" &c., &c.

These MS. books contained also evidence that she prayed often, fervently and importunately, and that like Anna, she served God with fastings and prayers night and day. Luke ch. 2, v 37. She was never, however, "rash with her mouth," heeding. Eccl., ch. 5, v 2. On the contrary, her words were few and innocent of those vain repetitions against which our Savionr warns us in Matthew, ch. 6, v 7.

AFRICAN COLONIZATION.

He advocated the colonization of our African population in Liberia and was one of the managers of the Augusta Coun-

ty Colonization Society, founded in 1831-32 to promote this end.

The managers submitted to the Society their annual report on the 21st of April, 1832, the following extract from which will show the object and purposes of the Society:

"Concerning the colony of Liberia, we have no information to communicate but such as the public prints have given from time to time, to all who wished to know what was going on at that interesting establishment. The sum of this information is, that the colony, gradually advancing in numbers, advances also in every branch of improvement and prosperity. We believe that in the whole history of colonization, there has never been an instance elsewhere of so cheering a degree of success from a similar amount of means and exertions. Divine Providence has evidently smiled upon the enterprise, and encouraged its friends to prosecute it with untiring perseverance.

Shall we close this paper here? A feeling which we assuredly know to be no other than a sincere regard for the honor and welfare of our country, prompts us to offer to the society some additional reflections.

It was never expected by any man of sense that the voluntary association of which we form an humble part, would be able to effect, by its own very limited energies, any sensible diminutive of the large and pernicious mass of our colored population. But we did hope to evince the practicability of acquiring an extensive and fertile territory in a suitable climate and of removing our negroes to it and setting them in it, with fair prospects of their becoming a respectable and happy nation; and thus to pioneer the way for delivering this otherwise favored land of ours from a burden, the sorest that ever afflicted any people under heaven. And this hope,

thanks be to God, we are permitted to see realized. The colony exists and flourishes. It remains that the legislative authorities of these Southern States, invigorated by the attainable and powerful aid of the Federal Union, take this business under their efficient patronage. And surely the period is now emphatically come for putting into action on this momentous subject our utmost talents and our utmost resonrces. After ages already lost in supineness, shall we still waste our precious time in disquisitions, as needless as they are unreconcilable with our boasted republican character, on what we call the right of property in our slave; while the deadly evil which we all profess to deplore, is gaining ground upon us with gigantic strides every year and every hour. We say needless disquisitions; for such they appear to us to be. Let liberal means be provided for removing far away those unfortunate beings amongst us whom we denominate free blacks, together with those slaves who shall be voluntarily manumitted for the purpose of removal. On this single condition, we are satisfied that there will be no necessity to interfere in a compulsory way with any man's right of property in hls slaves. Public sentiment, incessantly acquiring expansion and strength will much better achieve the glorious consumation.

But suppose this to be a visionary picture. Suppose that yet greater sacrifices shall be found indispensable. What then? Shall we shrink from the making of those sacrifices for the salvation of our native land, the loveliest and the choicest of all lands? Shall we tamely sit still, and see Virginia despoiled of much of her strength by unexampled emigration to other regions, and by this means ripening the more speedily as a harvest for the scythe of the assassin. Shall we, after all that we have seen and heard within nine months past,

persist in the slumber and indolence of infatuation? Or shall we soon arise in all our zeal, and all our united strength, to devise and to pursue the measures by which alone such a tremendous issue may be arrested, and our country rendered truly prosperous and happy? How these questions are to be answered by facts, time must discover, and God only, who is omniscient, can certainly foresee. For our part, though we deeply lament that the equally able and eloquent discussion which recently took place on this most important topic in the hall of our legislature was suffered to float away into the air, yielding no practical results; yet we think we ought not to abandon the cause of liberating our beloved country from the abominations and the curse of slavery, in utter despair. A better day may be about to down upon us. Perhaps the discussion to which we have referred, itself a wondrous phenomenon in Virginia, may not die away as a fruitless expenditure of feeling and genius. And in the meanwhile, let us continue our labors for the improvement of the Colony, that it may become a more capacious, and in every way convenient receptacle for drawing off, when the good season for the extened operations shall arrive, the pestilential nuisance of our African population.

The prominent men of that period associated with Mr. Peyton in this good work were Rev. Conrad Speece, Joseph Cowan, Samuel Clarke, John McCue, George Eskridge, Charles A. Stuart and others.

RETIRES FROM THE BAR AND IS ELECTED TO THE SENATE.

Mr. Peyton determined some years before he was 60

years of age, to retire from the bar when he reached that time of his life, and did so. After he was sixty he took no new cases, only in one case making an excepion to this rule in favor of an old and valued friend, who earnestly implored and begged for his services. He gave them to this friend and lost the case in the circuit superior court of Augusta, but was so well satisfied that the case was erroneously decided that he took an appeal, and after Mr. Peyton's death the decision of the lower court was reversed and thus his client ultimately gained his cause. After he reached the age of 60 he only attended his office and the courts to wind up his business.

His friends knowing his purpose to give up the bar determined, if possible, to secure his services in the Senate. He was solicited on all sides to go to the Senate, and the following letter appeared in the Lexington and Staunton papers:

"*To the Voters of the Senatorial District of Rockbridge and Augusta:*

FELLOW-CITIZENS—

The next session of the Legislature will be the most important which has occurred for many years past. The criminal laws of the Commonwealth are all to be revised, the subject of education is to be thoroughly considered, and the great schemes of internal improvement are to be brought forward and vigorously pressed by their respective friends. Under these circumstances it is particularly important that this District should be ably represented in the Senate of Virginia, the body that must supervise and give the finishing touches to the Legislation on all three subjects. Rockbridge and Augusta, long famed for their morality and good order, have a deep interest in having the system of fixed laws brought to the highest state of perfection. They

have their primary schools, the academies and colleges all requiring an *able champion* and *enlightened patron*, and they have their respective schemes of improvement: the James River canal, the extension of the Louisa railroad and continuation of the macadamized turnpike from Staunton to Buchanan, demanding the support of a powerful intellect and matured experience.

In looking around for a suitable representative of the District, the eyes of everyone seem attracted to *John H. Peyton, Esq.*, of Augusta, as the man. He is a gentleman of distinguished ability and unblemished integrity. He has long been known to Virginia as the ablest criminal lawyer in her borders, and hence he is peculiary qualified to discharge the duties incident to the revision of those laws. His general attainments and enlightened views of, and on all subjects qualify him in a high degree to aid in constructing a system of public education which shall diffuse the genial rays of knowledge through all classes of society, and he has evinced his deep interest in the success of the James river improvement by the most substantial of all proofs—the investment of large sums of money in its work.

Mr. Peyton now holds several lucrative offices and he is in the enjoyment of an extensive and extremely profitable law practice, but it is understood that he is willing to relinquish them all if his fellow-citizens should require his services in the Senate. It is a subject of congratulation to the district that such is the fact, and I cannot believe that the district will hesitate for a moment to avail itself of the services of so distinguished an individual. It would be a subject of just pride to our district to send such a man to the Senate. He would tower head and shoulders above any other man in that body, and the impress of his talents and learning would

be permanently visible upon the statute books of Virginia. Let the voters of the district then, go forward as one man, and record their votes for John H. Peyton. Let them recollect that it is a duty which they owe their country to select the man who, from his talents and acquirements, is best suited to discharge the duties of the station. When in the management of his private affairs, it becomes necessary to employ an agent or an attorney, they always seek the man best qualified, and upon the same principle, when they are are about to choose an agent not only for themselves but for their country and posterity, (for in the administration affairs we are trustees for posterity) they should elect the man who is able to render the most efficient services to the public.

The office of Senator is at all times an important one; but under present circumstances, there is a peculiar propriety in selecting the strongest man, for it is universally conceded that there is a woeful deficiency of talent in the Senate. The election of Mr. Peyton would therefore be hailed with satisfaction by the whole State; and he would be from our district, the Senator of Rockbridge and Augusta.—Lexington Gazette and Spectator, May 2, 1839. A VOTER.

MR. PEYTON'S LETTER CONSENTING TO RUN FOR THE SENATE. HIS POLITICAL SENTIMENTS.

To the voters of the Senatorial district composed of the counties of Rockbridge and Augusta.

FELLOW-CITIZENS:

Having authorized my name to be placed before you as a candidate to represent you in the Senate of Virginia, I deem

it a duty I owe alike to you and myself to make a plain and distinct avowal of my political sentiments.

Though it is true that a member of the Senate of Virginia, has little to do with Federal politics, and may not during his whole term of service be called upon to express a single opinion upon them, yet, in a representative republic it is not only proper that the political sentiments af a candidate should be distinctly understood, but it is equally proper that he should possess political sentiments congenial with those of his constituents.

Under this impression, the following brief statement is made.

I came into public life about the period of the election of James Madison as President of the United States.* I served as a member of the House of Delegates of Virginia the two sessions of 1808-9, 1809-10. I was a friend to the election of Mr. Madison and a warm and zealous advocate of the measures of his administration.

Among the measures to which I gave my hearty support was the establishment of the late Bank of the United States. Since that period I have not mingled in politics. As a citizen, however, I approved generally of the administration of James Monroe, and was opposed to the election of his successor, John Quincy Adams.

I advocated the election of Andrew Jackson, and supported most of the measures of his administration during his first term. I also voted reluctantly for his re-election, I disapproved of his veto to the bill to recharter the Bank of the United States, and the *ad captandum* arguments used by him to justify the measure. I attributed the act then, how-

*FOOT NOTE.—Mr. Madison was elected President in 1809 and re-elected in 1813.

ever, more to the feelings created by the particular time when Congress passed the bill—it being just previous to his second election, than to any settled hostility on his part to a United States Bank.

Shortly after his re-lection, he commenced a train of measures to which I was utterly opposed; measures of a novel and alarming character, and which in their origin and subsequent developments, brought distress and embarrassment upon the banks, upon the country at large, and especially upon all our great commercial interests. I allude to his wild, violent and undigested schemes of finance—commencing with his pet Bank system and ending with his order in council, the Specie circular.

This warfare upon the Bank of the United States, the currency and the commerce of the nation, reduced us in 1837 to the degradation of witnessing a general suspension of specie payments by the banks.

These acts connected with the corrupting system of party discipline introduced by that administration with the view of compelling private judgement to succumb to the behests of party, completely separated me from the administration of Andrew Jackson.

His successor who pledged himself in advance "to follow in the footsteps of his predecessor," and who has gone a bow-shot beyond him in obstinately pressing upon a free and intelligent people; his thrice rejected scheme of a sub-treasury —to him and his measures I have always been strenuously opposed.

Upon those subjects which fall more legitimately within the scope of the duties of a Virginia State Senator—in advancing and promoting the great cause of internal improvement, and in the diffusion of light and knowledge among our

people, and in the general objects of legislation, my interest is identified with yours.

Finally, occupying the relation I now do, fellow citizens, towards you, by no procurement of my own, but having been pressed into it by the solicitation of friends; I have thought it right thus briefly, but at the same time explicitly, to state my political views. I have felt this duty the more imperative—because having been once a supporter of General Jackson's administration, and no public occasion having since occurred, except at the polls, to make my subsequent opinions known were I silent some might cast their votes in this election under a misapprehension of my sentiments. Whilst, then, I would regard an election to the Senate of Virginia as a flattering proof of your confidence—I could not but regard that confidence misplaced and valueless, were it bestowed by the people without knowing where and how I stand."

JOHN H. PEYTON.

Spectator, May 9, 1859.]

He was duly elected and took his seat at the next session of the Senate.

MORE OLD LETTERS.

For want of a better place, the following bundle of old letters, running in date from October, 1823, to April, 1839, are here given. They possess a peculiar interest to the children of Mr. Peyton, unimportant as they are, since they exhibit, the domestic side of his character : are pages in the history of the family and it has been well said that, "Every family is a history in itself and even a poem to those who know how to search its pages."

JOHN H. PEYTON TO HIS WIFE.

Charlottesville, Oct., 9th, 1823.

My Dear Wife:

It is now Thursday morning, and we are not yet through with the trial of the first criminal, and there are three others waiting trial. When we will finish with them I cannot undertake to say.

I have employed as overseer for my farm near Staunton, a relative of my present overseer, who bears the same name. As you seem so partial to your countyman, old O'Sullivan, I will send him to my farm on Jackson river. Don't expect me till you see me, for it is impossible to say when I can return—the Judge thinks of holding a court next week. If so I will write you.

Keep everyone busy preparing winter clothing for the negroes—send for the overseer and tell him that it is my particular wish that he should; as soon as the seeding is finished, plough the large field around Sinaugh's house. Tell him to have the wheat threshed out. Adieu. Kiss little Susan for me, and believe me

Your affectionate husband,

JOHN H. PEYTON.

P. S.—Miss Nicholson is here and well.

SAME TO SAME.

Harrisonburg, Feb. 18, 1824.

My Dear Ann:

I was exceedingly gratified to get your affectionate letter of the 16th inst., written in that calm spirit of fortitude and resignation which convinces me that you take a right view of our late misfortune (supposed to be the loss of a child). I was

fearful until I received your letter that you would be uneasy at my detention here, and am delighted that you are acquiring patience and learning to submit with composure to the inevitable. When you have learnt well these practical lessons you will be much better prepared to encounter the trials and disappointments of life, and nothing is truer than that all mankind must and will experience calamities. When we are prosperous we should always look for a reverse of fortune, and when we are in adversity we should recollect that it is the common lot of humanity. No one ever yet enjoyed uninterrupted happiness, and those who have most nearly approached it, are the sober, the virtuous, and industrious. The indolent are always unhappy and nearly always vicious. If you wish to be happy attend to the duties of your household—these will give you exercise and exercise will insure you health of body and mind. When the mistress takes an interest in domestic affairs—see's that the servants do their duty, that the house is neat and in order; that regular hours are kept by all, in a word, when good house wifery prevails, it affords more real happiness to the well regulated mind of the mistress than any, or all of the so-called fashionable amusements of the gay world. Such a house wife cannot fail to be loved at home and respected abroad.

No one is exempt from trouble, mental or phyical, and the weight of both may seem at times bearing you to the ground, but take heart and the sum of your enjoyment will always outweigh your troubles. The Almighty in his infinite wisdom, mercy and goodness, has so constituted our minds, that past pleasures and enjoyments can always be vividly recalled to our recollection, past sufferings with difficulty, and seldom in detail. I would advise you to attempt by all means to divert your attention from your own person and

surroundings, to other objects. The providence of God has surrounded us with objects of improving distraction, by which we may be led to think of Him. The same hand that strews pleasures in your way, has left no situation, however painful or disagreeable, where an antidote to your distress has not been placed within reach. You must, however, rouse yourself and seek for it. We constantly meet persons who complain that everything goes wrong with them, while with another "whatsoever he doeth prospers." This striking difference is generally to be accounted for, not by the doctrine of chances, but by a reference to the temper and character of the respective parties. Imprudence, or ill temper, for instance, will either mar the success of any project, or present it in a distorted and unfavorable aspect.

It must not be forgotten that this advice comes from your best friend, from one who has had large experience and who has made the springs of human action much his study.

What a field of rational enjoyment is opening before you in little Susan. You can watch the shooting idea, can restrain any exhuberance, instil in her right principles, make her reverence virtue, detest vice. It is astonishing how soon good principles may be made to take root, and bad ones be eradicated. Never tell her, or suffer others to tell her she is beautiful. If she is so she will find it out too soon. Teach her to place her claims to distinction upon good sense, good principles, modesty, delicacy, affectionate deportment to her parents—respectful behavior to all. Let her respect herself and respect others. Then she will be in the widest and best sense a lady. It is astonishing how early in life the temper of children begins to be formed, and consequently how soon that important part of the business of education, which consists in the training of the mind to habits of discipline and

submission, may be commenced. "I wish very much to consult you about the education of my little girl," said a lady some years since to a friend, "who is now just three years old." "Madam," replied the friend, "you are at least two years late in applying to me on the subject." Lose no time in instilling the principles of unhesitating obedience and thus lay the foundation of paternal authority, while teaching your children self-control, self-denial, and how to gain a mastery over their passions. Warn her of the trials and difficulties which more or less come to us all, but especially to the careless and indifferent.

The suit in which I am engaged will probably be spun out till Friday evening. I will endeavor in this case to be with you the next day.

With sincerity of affection, your husband,

JOHN H. PEYTON.

SAME TO SAME.

Lewisburg, June 7th, 1824.

My dear Ann:

Baldwin and myself arrived here the third day after we left Staunton, in good health. We passed Captain Massie's on Monday and regretted to find both Mrs. Massie and the Captain indisposed. Sarah and the rest of the family were well. Susan has a fine daughter, but has been so unfortunate as to take the milk fever. She was, however, better of it, and I hope by the time I return will be entirely well. General Breckenridge and family and Woodville and family are here and in their usual health. Colonel Andrew and Capt. John Lewis are also here.

I hope to leave on Thursday next—on Friday shall stop at my farm, surveying the land I have entered, and on Saturday leave on my return to Staunton, if nothing happens to prevent it—on Sunday evening I hope to be with my beloved wife and child—send at once to Maupin (the overseer) and direct him to detail hands to work the vegetable garden.

We were all invited to dine to-day with Lewis Stuart, but his wife was taken ill last night and the invitations were recalled. It was a disappointment, but as the day is exceedingly warm I think we have lost nothing. The Colonel has not been at Captain Massie's yet, and I think Sarah looks a little dejected. No news of William Lewis as yet. The sale I expect will be postponed until August.*

Present Woodville affectionately to Lynn and Benjamin. He unites with me in love to you and little Susan.

I am, with anxious desire to be with my dear Ann,

Your affectionate husband,

JOHN H. PEYTON.

The "little stranger" mentioned in the following letter is the present Col. John Lewis Peyton, the eldest son by the second marriage of Mr. Peyton. Business engagements making it impossible for Mr. P. to be in Staunton at the birth, intelligence was sent him of the event by his favorite man servant, Ben Potter, who rode on horseback to Lexington during the night.

Lexington, 16th September, 1824.

My Dear Ann :

Ben Potter arrived this morning bringing the glad

*This refers to the sale of the personal property of Colonel John Lewis, Mrs. Peyton's father.

tidings that you had presented me with a fine son, and that you and the infant were as well as could be expected. For this I feel grateful, and I regret that I could not have been with you in the hour of tribulation—everything, however, happens for the best. I am engaged in a cause of importance, the evidence in which was closed this evening. The argument takes place tomorrow, after which I will leave here and try to reach Colonel McDowell's on my way home. If nothing unusual occurs, I will reach home on Saturday evening. in the meantime take good care of yourself and the baby. Be particular not to expose yourself and take cold. Present me affectionately to my good friends, Mrs. Baldwin and Mrs. Williamson, and tell them I shall not forget their kind and friendly attentions to you. Mr. and Mrs. Woodville have not yet arrived—I presume they are detained by bad weather.

Direct Ben, on his return, to open a cask of wine for the entertainment of your friends. Ben is careful and may be trusted. Give my love to the family, and kiss the little stranger for me.

Your affectionate husband,

JOHN H. PEYTON.

SAME TO SAME.

Warm Springs, April 3, 1823.

My Dear Wife:

I had Just got off my horse from Pocahontas when the post going to Staunton arrived. I delayed it long enough to put in this note for you.* The Judge and myself have fared very well among the people of Pocahontas and arrived here safely and in good health, the snow, rough weather and bad roads

*The mail was then carried on horseback, and the postoffice was in the office of the tavern.

to the contrary notwithstanding. I have barely time to tell you this and to say that my anxiety to see you, my children, my sister and brother was never greater.

I have made money on the circuit, enough to pay every debt.

In great haste, but as ever your affectionate husband,

JOHN H. PEYTON.

SAME TO SAME.

Charlottesville, Oct. 11th, 1826.

My Dear Ann:

I stayed at Mr. Diver's (Farmington) on the night of the day we parted, and on the next morning about 10 o'clock reached here.

Monday evening I spent at Mr. Kelley's in company with Mr. and Mrs. Cochran, Mr. and Mrs. Hatch, Mr. and Mrs. Gilmer. Lynn is living in a sedate, pious, gentle family, and is surrounded by every comfort, and has an affectionate, good husband, who appears to be doing a good paying business) as a merchant).

Our court business progresses slowly, so that I do not expect to get off before Saturday or Sunday.

If Mr. Cochran (G. M.) has not obtained the bacon I ordered from Mr. Hogg, you must keep up the supply on the farm from the market,and by now and again killing a mutton.

In great haste, your affectionate husband,

JOHN H. PEYTON.

SAME TO SAME.

Callaghan's Tavern, Nov. 4th, 1827.

My Dear Ann:

I am informed by Judge Taylor that my sister, Lucy Green, of Kentucky, arrived a few days since in Montgomery county on a visit to my late brother's family, (Capt. Garnett Peyton's.) She is on her way to see my mother at Stony Hill, and will not, of course, pass us without a visit. Though she is impatient to get on, do not let her go until I return, for nothing could give more pleasure than to see her.

I missed seeing the wedding party at Capt. Massie's, (marriage of John Hamden Pleasants to Capt. M.'s daughter Mary.) They had gone to Fincastle on a visit to the Woodville's. They intend paying us a visit on their return. Woodville is with me and well.

Present me affectionately to the children and make my kind regards to Mrs. Talfair.

Sincerely your affeelionate husband,

JOHN H. PEYTON.

SAME TO SAME.

Richmond, January 19th, 1828.

My Dear Ann:

I had intended to leave here this morning, but the weather would not admit of it. It has been raining the whole day. I think the weather will admit of my continuing my journey tomorrow, for though I have been treated with great hospitality since my arrival, I had rather be at home with my dear wife and children than anywhere on earth.

Mary Green, of Kentucky, is here, and is an affectionate, good girl. She appears to be sincerely attached to you, and says she had a great deal rather be at Montgomery Hall with Aunt Ann, than in Richmond, with all its fashion and gaiety. Bernard has given me two dining parties since we have been here. We were also invited to dine at Johnson's, (Chapman,) but could not attend, owing to a previous engagement at Leigh's, (B. W. Leigh's.) I was obliged also to decline dining at Dr. Brockenbrough's for the same reason, and I have, for the same reason, had to decline the invitation to dine with Mr. Daniel. One day I dined with Gen. Sam'l H. Lewis at Duval's; on another, with the Triplett's; on another day was invited to dine by all the members of the Legislature at the Bell Tavern, and did so. Many distinguished strangers were present. On another occasion, I dined, by invitation, with all the members of our party. We have been well, with the exception of a cold I caught attending a book auction. I am, however, getting the better of it, and hope by the time I reach Stafford to be well. My stay in Stafford will be short. I shall stop with sister Lynn (Cochran) on my return. Cochran has a very snug, cosy establishment. I have purchased a lot of nice things for you; had them boxed and sent to Bernard's (Gen. Bernard Peyton's) commission house to be forwarded home by the first conveyance, with a number of law and miscellaneous books bonght here. I am fearful these articles will not reach Staunton soon, as the condition of the roads is at present wretched.

I must conclude with the hope that I will receive a letter from you in Stafford.

Amanda, (Mrs. General Bernard Peyton) and all send their best respects and regards to you.

Kiss my little cherubs for me, and believe me, as ever your affectionate husband, JOHN H. PEYTON.

SAME TO SAME.

Stony Hill, Stafford, Feb, 24, 1828.

My dear Ann:

I had the happiness to receive your letter of the 19th upon my arrival here, which gives me great pleasure indeed. My detention in Richmond will prevent my return home as soon as I expected. On Saturday next I expect to leave here.

Rowze's wife has a fine daughter, [The present Mrs. T. R. Spenser, of Geneva, N. Y.] was born the day before our arrival. My mother, Lucy, Miss Gallager and Rowze all send their love to you.

Your affectionate husband,

JOHN H. PEYTON.

1828.

Warm Springs, 14th March, 1828.

My Beloved Wife :

The day I left you I reached Colonel McDowell's, (near Fairfield, Rockbridge county,) where I spent the night in the agreeable society of the family and my dear old aunt. On the next day about 12 o'clock, I arrived in Lexington and dined with Mr. Taylor.* I spent the evening and night with James McDowell, Jr.† Next day I settled my business in court, spent the afternoon and night with Taylor, and in the morning set out for Jackson River, and on Friday reached

*Hon. James Taylor, M. C. for this district and an old and intimate friend of Mr. Peyton, who served with Major Peyton in the army during the war of 1812-15 and whose friendship was continued up and the time of Mr. Peyton's death in 1847.

† Subsequently M. C. for this district and Governor of Virginia—Governor McDowell and Mrs. Taylor were both first cousins of Mrs. Peyton.

Captain Massie's, having crossed the mountain by McGraw's gap, and after an hour's delay proceeded to my farm where I lodged. Captain Massie and his son, Henry, dined with me next day, and the same evening my son William arrived from Pocahontas. He remained with me until Sunday when we went to Captain Massie's to dinner. After dinner William proceeded to the Hot Springs and I returned to the farm.

On Monday I rode to Alexander Paris', the old Morris tavern, to dinner, and thence to William McClintic's, where I remained all night. On Tuesday, I rode out in the rain to the Warm Springs, When I arrived the water streaming from my neck, arms, cuffs, and my body was wet to the skin, a warm bath, change of clothing, a good dish of roast beef by a blazing fire, washed down with a bottle of rum negus soon warmed me to life and spirits. Since then I have been busily occupied in court until this evening. Tomorrow I leave for the Supreme court of Pendleton and expect to arrive there by Tuesday evening. It distressed me to see my learned brethren of the bar returning to their families when I was doomed to another week's absence. But my wife will love me the more for this privation, when she recollects that both duty and interest demand the sacrifice. I found all well at the farm, all lazy and happy, all idle and contented. I did not disturb them, left them to enjoy life in their own way. I hope sister Sarah and cousin Susan Preston will remain with you until I get back—nothing affords me more gratification in my unavoidable absence on the circuit than the thought that you are happily consoled by the society of your friends.

Tell Ben to lose no time with the work of gardening and to transplant from the old garden near the stone spring house the currant and raspberry bushes.

Tell Dempster to keep the wagons busy getting out the

manure, and to see that George and Dick are constantly engaged in rail-splitting—the fences need repairing. Give my love to Sarah Lewis and Susan Preston, to my little chicks, Susan, John and Ann.

As ever, my dear Ann, your affectionate husband,

JOHN H. PEYTON.

SAME TO SAME.

Lewisburg, June 17th, 1828.

My dear wife:

I spent Tuesday and Wednesday after we parted at the Warm Springs. On Thursday, Mayse, Terrell, and Grattan dined with me at my plantation on Jackson's river—the same evening we rode to Callaghan's Tavern and on Friday reached this place. I have a beautiful crop of corn on Jackson's river, and indeed, the crops of all kinds look promising and the negroes are healthy, contented and happy. I am in good health and closely occupied in court. Woodville has not yet arrived, he is detained in the courts of Botetourt and Monroe, I expect him in a day or two—Col. Andrew Lewis and Capt. John Lewis are both here attending the court. How do my little children come on? I suppose Susan is attending her school regularly and that John with his innocent and lively prattle, and Ann keep up their mother's spirits. How does Demster get on securing the hay crop? Tell him to have the cradles prepared for the harvest. Have your wool packed and sent to Ben. Crawford's store with directions to forward it to Barr's to be carded. By doing so the rolls will be ready to be spun as soon as the women can be spared from the harvest field.

Isaac Bowyer has arrived here and tells me that the commisssoners appbinted to assign Mrs. Mary B. Lewis her dow-

er in Dr. Lewises lands at the Sweet Springs, have set off to her 204 acres out of the land of your brother William, including the meadow and brick house. Your old neighbor, Susan Bowyer, near the Sweet Springs, is dead—the rest of your old friends and neighbors are well.

Tell Mrs. Baldwin that her husband [Judge Briscoe Baldwin] is in good health and spirits. He had the ill luck to have his gig broken to pieces on the road to the Warm Springs—one of the shafts of the sulky broke, this alarmed the horse—Baldwin perceived it and leaped from the gig, the horse then ran off with the gig at his heels and broke it in a dozen pieces. He had a bottle of old wine rolled up in the foot-board and though the board was kicked to atoms the bottle was not broken. Was there ever such luck! We went on to Miller's where we recounted our misfortunes over the wine which prevented undue depression of spirits. The horse was uninjured and procuring a saddle, Baldwin mounted the reclaimed steed who was dripping wet, his eyes dull and his whole sountenance dejected, and we jogged on very pleasantly, cheered by the Madeira and the reflection that things were not so bad as they might have been.

When I write again I will be able to give you more information of our friends. In the meantime be of good cheer and believe me,

Your affectionate husband,

SAME TO SAME.

Warm Springs, March 13th, 1829.

My dear Ann:

I have business at the Superior Court of Pendleton, which I cannot well postpone, or I would return directly home. My

stay at Pendleton, however, will be short. As usual on first leaving home in the spring I have taken cold. There is a great difference between the log cabins of these mountains and the substantial and comfortable houses of Augusta. For example, it snowed last night and when I waked this morning my bed was covered with snow which beat in through the window—the floor was uearly covered also, the snow coming in under the door. At this inclement season a journey to Pendleton can't be styled a pleasure trip.

William has been here during the court and leaves today for Botetourt. He appears to be in pretty good health.

Tell Mrs. Telfair I stopped at the Wilderness (General Blackburn's) on my way out and found all well—many affectionate inquiries were made about her. Keep up your spirits—when you look at Susan, John and Ann it ought to satisfy you with my absence.

Yours affectionately,

JOHN H. PEYTON.

SAME TO SAME.

Lewisburg, Nov. 18, 1830.

My Dear Ann:

After your return home, I remained several days at the Warm Springs, and after court rose, went with William, Sam'l McD. Moore, (subsequently M. C.,) and Alexander P. Eskridge, son-in-law of Judge Allen Taylor and brother-in-law of William Madison Peyton, to the Hot Springs, where we found Sally and the children, (the wife and chlldren of Wm. M, Peyton,) and were hospitably and elegantly entertained. They all made meny friendly enquiries after you,

sister Sarah and Thomas.* On Friday I went to my plantation and procurred of Mann a deed to the Miil and the land in the Falling Spring Valley. Saturday I reached Callaghan's, and thence took the stage to this place, after sending my horse back to the farm to remain till my return, a fortnight hence. Woodville arrived on yesterday and reports his wife better. As soon as he gets back to Fincastle, they intend making us a visit, as he will be detained some time in Staunton attending the Chancery Court. From Staunton he wili go to Culpeper on a visit to his father. Tell Thomas to stick closely to his studies, particularly Arithmetic and Algebra. The overseer should secure the corn crop and cart out the manure. Tell him to thresh fifty bushels of rye and send it to Major Summer's distillery, to be made lnto whiskey.

I hope Susan and John are diligently employed at school, and that the rest of our small fry are doing well.

The mildness of the season has presented my feeling any inconvenience from having no woolen shirts. Woodville joins me in love to yourself and the children, to Sarah and Thomas.

Your affectionate husband,

JOHN H. PEYTON,

SAME TO SAME.

Lexington, Va., Sept. 19th, 1834.

My Dear Ann:

On the day I left home I reached here in good time, but

*The late Major Thomas Preston Lewis, the youngest son of Major John Lewis, of the Sweet Springs, a man of many noble traits of character, who died unmarried in Augusta county in 1877, deeply regretted.

by some misadventnre took a cold which has kept me coughing ever since. The heat of the weather and my heavy clothing has caused a reaction and I hope soon to be myself again.

I found Col. Benton and his family* at James McDowell's, and spent some time with them very pleasantly—they will pay us a visit in October. I am stopping as usual at Taylor's, they are so pressing in their invitations and will admit of no excuses that I have fallen into the habit of making their house my home while here.

Mr. Poindexter is in Lexington, and will marry to-day the widow Lewis. The wedding is to be private, and the happy pair will leave immediately in their barouche for Eastern Virginia.

James McDowell and wife have just gone to a meeting of the Preston family in Abingdon with a view to the adjustment of your grandfather and grandmother's estates, and though your mother will not be represented in this meeting her claim, while the claims of others is adjusted, cannot be overlooked. I hope therefore, when they return to hear something satisfactory. Nath'l Hart, of Kentucky, has been chiefly instrumental, I understand, in bringing about this meeting. Write me on Monday addressed to the Warm Springs and let me hear how you all are. Give my love to my mother and the children.

I am your affectionate husband.

JOHN H. PEYTON.

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*Hon. Thomas H. Benton, U. S. Senator for Missouri, and author of "*Thirty Years' View; or, a history of the working of the American Government for thirty years, from 1820 to 1850.*" Colonel Benton married Miss McDowell, a sister of Governor James McDowell, a cousin of Mrs. J. H. Peyton.

SAME TO SAME.

Norfolk, Dec. 19, 1835.

My dear wife:

Whilst Susan and Miss Robinson, who accompanied her from Richmond, are drinktng tea at Mr. Loyal's,* under the care of Mr. Valentine, I take the pen to scribble you a few lines. On Wednesday we came down the river from Richmond in the Steamer Patrick Henry, with all Gen. Blackburn's emancipated slaves and their luggage on board, On the next day I delivered them to the agent of the Colonization Society and paid their passage to Liberia. On Friday the girls took tea at Mr. Smith's. The evening before they spent at Mr. Robertson's. Today we visited Old Point, making the trip in the steamer, Old Dominion. After visiting the fortifications, which I had not seen since 1814, with Col. Bankhead and Capt. Washington we dined at the Hotel and returned in the evening. Tomorrow we shall go to hear my old friend, Bishop Meade, preach. On Monday we expect to visit the navy yard, Gosport and the dry dock, and on Tuesday return by the Patrick Henry. Both Susan and myself are in good health.

My stay in Richmond will be brief I never wished more to be at home. The people everywhere are very kind and hospitable; my friends are attached and attentive in different ways, but I do not enjov my trip, because I am away from those most dear to my heart. I derive more pleasure from an evening in the midst of my family than any to be derived from travel. I love the society of my own family, of John, clinging to my knees, Ann, Mary, Lucy, the girls singing abed. "No man can tell," says Jeremy Taylor, "but he that

*Mr. Loyal was the father of Mrs. Admiral Farragut—the gallant Admiaal so much distinguished during the war.

loves his children, how many delicious accents make a man's heart dance in the pretty conversation of these dear pledges; their childishness, their stammering, their little angers, their innocence, their imperfections, their necessities, are so many emanations of joy and comfort to him that delights in their person and society." I may misquote, as I quote from memory, but if the words are wrong, the ideas are right.

I have exchanged with Mr. Valentine, Malvina for a man cook, named Smith, about 18 years of age. He is a good tempered, quick and efficient general servant, and though young, already skillful as a cook; and is anxious to go to the upper country, as he suffers with chills and fever here. He will be of much service on the return trip, as I have a lot of packages containing articles of furniture, mantle ornaments, books, clothing, &c., to be looked after. I would have left this miserable place sooner, but the steam boats run but twice a week. I console myself with the hope that Susan is enjoying and profiting by the excursion. I long to be with you. I am, as ever,

Your affectionate husband,

JOHN H. PEYTON.

SAME TO SAME.

Lewisburg, July 14th, 1857.

My dear Ann:

I arrived here on yesterday in time for the court, but the business is delayed by the failure of Johnson and Baldwin to appear. They are expected tomorrow. I hope you are spending your time pleasantly, making Miss Herring's visit agreeable. Tell Susan it is my particular wish that she should write me frequently and at as great length as her engagements

will admit of. She is young and thoughtless and requires the counsels and advice of her father, which I will take much pleasure in giving her in letters, where it will be more permanent than if merely spoken. She is at an age when her acts and sayings are the subject of observation and comment, hence she cannot be too circumspect—next to the consciousness of acting right, the public voice should be regarded, and we should endeavor, by a prudent behavior, even in trifling matters, to secure it in our favor.

I hope my dear wife that you will also write me often. Mr. Rodgers, the stage driver, will take charge and safely deliver to me any letters you may wish to send.

Have you made the acquaintance yet of Dr. and Mrs. Nelson. You will find them agreeable and pleasant acquaintances—they are very intimate with Bernard's family. Have you visited your pretty little farm near the Springs. If not, go to see it, and let me know what you think of the property.*

Judge Fry, who married a daughter of Parson McElhaney, will be at the Sweet next week. They are worthy people and I will be glad if you can call on them. I think you will like them. The good parson has long been one of my most particular friends, and I want you to be civil to his daughter.

Excuse this hasty scrawl. My engagements do not admit of my saying more than that I send affectionate regards to Ben, Tom, sister Caroline and all the kith and kin about you.

I hope those agreeable New Yorkers—the Clarkes, are

*This was a farm of 350 acres lying in the Sweet Spring Valley, inherited by Mrs. Peyton from her father, and in 1894 is owned by her nephew, Dr. J. Lewis Woodville.

still at the Springs. The society of people of so much information and intelligence who have traveled abroad, is really improving.

Your affectionate husband,

JOHN H. PEYTON.

Mrs. John H. Peyton, Sweet Springs.

SAME TO SAME.

Lexington, Va., April 20th, 1839.

My Dear Ann:

I have only time to write you a few lines to advise you of my safe arrival in good health at Lexington, where our friends and connections are all well. Tell Aunt Towles I have met her grandson, John Dabney, who recognized her son Thomas as he rode up to Taylor's. Taylor invited Mr. Dabney's family and John to take tea with us on yesterday evening, and to-day we are to dine with the Dabneys'. I am much pleased with Mrs. Dabney and her sister, Mrs. Price, and more so with John Dabney, who strikes me as a superior young man. Taylor is expecting his son, Dr. James Taylor, from Philadelphia, every day, where he has successfully concluded his medical studies. Their daughter Susan, who has been spending the winter in Alexandria, is also expected home in a few days.* They wish to give them a royal reception, and wish our daughter Susan to come up for the merry making. Mrs. Taylor says if she will do so she will send her to the Natural Bridge, &c. I have told her I knew you would not part with Susan at this time, but I thought it probable you would allow her to spend a week

* Susan Taylor married some years subsequently Hon. John B. Weller, M. C. from Ohio, and afterwards Governor of California.

with them in May, after my return from the courts. She was glad to hear this and said she would send her son Robert and John Dabney to Staunton to escort her at that time.

Tell the overseer to take the calves off my grain, and let them run in the clover field back of the house—the grain is so far advanced now that the calves will injure it. I hope he has finished corn planting. Write me at the Warm Springs, either by Tom Michie or Wm. Frazier, telling me how the farming operations are going on, and how aunt Towles and our dear little children are.

Aunt McDowell, who is here, sends her best love to you, Mrs. Towles and sister Green. Mrs. Taylor says if Susan will come to her in May, she will meet her relations, the McDowells, who will return from Abingdon in April and be at home, and also Jane Preston, and other relatives who are coming with the McDowells, from Southwest Virginia for a visit to Lexington. I have time to say no more, as I am called to court.

Yours affectionately,

JOHN H. PEYTON.

The following extract from the Spectator possesses such interest that we make no apology for introducing it here:

JEFFERSON, STUART, PEYTON.

We have been much interested recently in reading the early history of the University of Virginia as developed in the unpublished letters of Jefferson and J. C. Cabell. One of the letters particularly struck us. It is from Mr. Jefferson to Mr, Cabell, and dated Monticello, May 13th, 1825, and

contains the warmly expressed opinions of two of our former citizens as to the professional ability, general qualifications and high character of the late Judge Dade, who was urged by his friends as a suitable person to be made Professor of Law in the new institution, Jndge Stuart and Hon. John Howe Peyton were on a visit to Monticello at the period when Jefferson was perplexed by the declension of this Protessorship by Mr. Gilmer, and Mr. Jefferson gives the substance of what Judge Stuart and Mr. Peyton said to him.

The letter will be read with interest by all, but more particularly by those who remember Judge Stuart and Mr. Peyton, two of our famous men of the past, both of whom died full of years and honors, bequeathing fortunes and leaving families, which have inherited their genius.

JEFFERSON'S LETTER.

DEAR SIR:—Every offer of our law chair has been declined, and a late renewal of pressure on Mr. Gilmer has proved him inflexibly decided against undertaking it. What are we to do? The clamor is high for some appointment. We are informed, too, of many students who do not come becanse that school is not opened; and some now with us think of leaving us for the same reason. You may remember that among those who were the subjects of conversation at our last meeting, Judge Dade was one; but the minds of the board were so much turned to two particular characters; that little was said of any others. An idea has got abroad, I know not from what source, that we have appointed Judge Dade and that he has accepted. This has spread extensively, perhaps from a general sense of his fitness, and I learn it has been received with much favor, and particularly among the students of the University. I know no more myself of Judge

Dade than what I saw of him at our Rockfish meeting, and a short visit he made me in returning from that place. As far as that opportunity enabled me to form an opinion, I certainly thought very highly of the strength of his mind, and the soundness of his judgment. I happened to receive Mr. Gilmer's ultimate and peremptory refusal while Judge Stuart and Mr. Howe Peyton, of Staunton, were with me. The former, you know, is his colleague on the bench of the General Court; the latter has been more particularly intimate with him, as having been brought up with him at the same school. I asked from them information respecting Mr. Dade, and they spoke of him in terms of high commendation. They state him to be an excellent Latin and Greek scholar, of clear and sound ideas, lucid in communicating them, equal as a lawyer to any of the judiciary corps, and superior to all as a writer; and that his character is perfectly correct, his mind liberal and accammodating, yet firm and of sound Republican principles.

* * * * * *

This is the substance, and these, I may say, the terms in which they spoke of him, and when I consider the character ot these two gentlemen, and their opportunities of following what they attested, I could not but be strongly impressed. It happened very much to my gratification, that General Cocke was here at the same time, received the same information and impression, and authorizes me to add his concurrence in proposing the appointment to our colleagues; and to say, moreover, that if on such further inquiry as they may make, they should approve the choice, and express it by letter, in reference to a meeting for a conference on this subject, I might write tc Judge Dade, and on his acceptance, issue his commission. I should add the gentlemen above named

were confident that he would accept, as well from other circumstances, as from his having three sons to educate. Of course this would put an end to the anxieties we have all had on this subject. The public impatience over some appointment to this school, renders desirable as early an answer as your convenience admits. Accept the assurance of my great esteem and respect.

TH. JEFFERSON.

MR. PEYTON'S WELCOME TO HENRY CLAY.

In August, 1839, Henry Clay passed through Staunton on his return from Washington to his Kentucky home. The people determined to give him a warm greeting. A meeting was held and arrangements were made for his reception, and John H. Peyton was selected to make a speech of welcome.

A procession of gentlemen on horseback met the coach, in which Mr. Clay was travelling from Charlottesville, near Glendale, the present residence of George L.-Peyton, Esq., and escorted him to town. On arriving in front of the Eagle Hotel, now the Spectator office, Mr. Clay descended from the coach and was met by *Mr. Peyton*, who welcomed him in a handsome and appropriate address in wkich he referred to his long and distinguished public services, his championship of constitutional freedom and his patriotic labors on behalf of the best interests of the country and tendering him the warm hospitalities of the town during his stay.*

*NOTE.—The late Wm. Frazier, who was present, informed us that it was the most felicious address he ever heard from one great man to another, and he greatly regretted that a stenographer had not been present to take it down.

Mr. Clay, though laboring under a cold and great fatigue, replied in his usual happy manner. After entering the Hotel, and a short rest, he heid an informal reception, when the principal people of the town and neighborhood were presented. There was, of course, no time for conversation, but Mr. Clay made many facetious remarks to his admirers as they passed one after another during the hand-shaking.

CAMPAIGN OF 1840.

In December, 1839, Mr. Peyton was a delegate to the National Whig Conventlon, which met at Harrisburg, Penn., to decide between the claims of several rival candidates for the Presidency. General Harrison, of Ohio, was nominated for the Presidency, and John Tyler, of Virginia, for Vice President. And immediately afterwards the celebrated "log-cabin and hard cider" campaign commenced. Log cabins and hard cider became the party emblems, and both were features of all the political demonstrations of the canvass, which witnessed the introduction of the enormouss mass meetings and processions which have since become common in all Presidential elections. There was more clap-trap and less appeal to reason in this than in any Presidential election in our history. Harrison was chosen by a vote of 234 against an electoral vote for Van Buren of 60, and was inaugurated at Washington March 4th, 1841.

MR. PEYTON'S SPEECH IN THE CANVASS OF 1840.

On his return to Virginia, such was his taste and so

pressing the nature of his private affairs, that he took little active part in the celebrated canvass.

But upen the occasion of a grand mass meeting at Staunton on the 28th of October, 1840, he spoke in the Court House to a crowded audience of ladies and gentlemen, and made a magnificent speech, showing up the political lite and character of Martin Van Buren, his political tergiversations, intrigue, subserviency, treachery and heartless selfishness. It was like a prosecution of a prisoner at the bar, and persons who were present declared that they had never seen or heard anything like or to equal to it.

MR. PEYTON'S SPEECH IN CHARLOTTESVILLE.

Having much business to be settled Mr. Peyton attended the Autumn term, 1840, of the Superior court of Albemarle and was invited by the "Central Tippacanoe Club" to address the people. The "Charlottesville Advocate," edited by the talented Thomas Wood, a man who had few superiors in Virginia as a writer, thus refers to it:

"*Mr. Peyton* made one of the most felicitous efforts we have heard during this whole canvass. We shall not undertake to report his speech; we would do nim injustice by such an effort. We will say, however, that few speakers are better qualified to entertain and instruct the public mind in reference to the great questions now agitating the country. He understands thoroughly the character of Martin Vanburen.

He has watched him closely ever since he entered public life, in 1812, the opponent of James Madisou, and drew a most faith faithful picture of him from that time down to this.

Van himself, could he have heard Mr. P., would have been forced to admit, that a more exact likeness never was drawn. He traced him with much minuteness throughout his tortuous and slimy career, and showed to the satisfaction of every man present, that he had been alternately the lickspittle and libeller of almost every man in the country. So in reference to almost every important queston which has agitated the country for the last 30 years. Martin had been found on both sides—and no man could tell what his principles were.' Mr. P. ridiculed in a most inimitable manner, amid roars of laughter from his audience, the claim set up by Van's Southern friends, that he "is a Northern man with Southern principles." Even were it true, Mr. P. contended that it did not elevate Martin in his estimation, for that if there were any one thing he abominated more than another, it was a Northern man with Southern principles or a Southern man with Northern principles. He went for no such half-frog half-tadpole animal.

Mr. P. laughed at the very idea of Martin Van Buren being held up to the country as a Republican. He remembered well the part he took in the memorable contest between Mr. Madison and DeWitt Clinton. He was then leagued with the blue light Federalists, and his course ever since had been in utter disregard of the good old Republican doctrines of '98 and '99."

VISITOR TO WEST POINT.

Sometime before, June, 1841, he was appointed a visitor to the United States Military Academy at West Point, and attended the meetings of the Board of Visitors, where he

so impressed the Board, that he was selected write their report for that year, which he did.

From West Point he visited his brother, Col. Rouze Peyton, at his home in Geneva, and in the company of the late Randolph Harrison, of Elk Island, James river, General Bernard Peyton, of Richmond, Colonel Hill Carter. of Shirley and others, and made a delightful excursion to Niagara Falls.

At the next session of the Senate Mr. Peyton was a working member. He never discharged any duty in a perfunctory manner, but as chairman of the committee on the Judiciary labored zealously in behalf of reform in our laws.

MR. PEYTON'S LETTER ON BEHALF OF THE BAR TO JUDGE TUCKER.

In 1841, H. St. George Tucker resigned his position as a Judge of the Court of Appeals, in order to accept the position of Professor of Law in the University of Virginia. The following proceeding took place. A meeting of the bar assembled over which Mr. Peyton presided, and the meeting appointed him a committee of one to express their sentiments on the occasion which he did, and the Court adopted them as its sentiments and ordered them to be placed on record, as follows :

Virginia: At a Court of Appeals held at Lewisburg on Thursday, the 5th day of August, 1841:

Present: The Honorable Francis T. Brooke, William H. Cabell, Robert Standard and John I. Allen. The remaining members of the Court of Apbeals cordially concurring with the Bar in their sentiments expressed in their letter to the late President of the Court on his retiring from office, it is

ordered that their letter and reply to it be put upon the records of the Court:

Dear Sir:

At a late meeting of the Bar of the Court of Appeals at Lewisburg, assembled for the purpose of giving expression to the feelings occasioned by your retiring from the office of President of that Court, I had the honor to act as Chairman, and to be instructed by the meeting, with perfect unanimity, to communicate to you their sentiments of sincere regret and most kind and respectful regard. We know from observation the great responsibility, the arduous labor and high qualifications required by the eminent station which you have so long and so ably filled. The talent, the learning and research displayed in your judicial opinions are known to the country at large. But none can know and appreciate, so well as the officers of your Court, the spirit in which your duties have been most promptly and unremitingly discharged. Your untiring application, unaffected zeal and exemplary fidelity, have won our humble applause; but our hearts have been touched by your uniform gentleness, kindness and courtesy of deportment, as well in the hall of justice as in the private circle; and you take with you our regrets, not merely for the loss of the public officer, but of the delightful companion and friend. I have thus endeavored, though imperfectly, to express the sentiments of our public meeting, to which let me add the assurances of my

Great respect and regard,

JOHN H. PEYTON.

Lewisburg, August 1, 1841.

NOMINATED FOR JUDGE TUCKER'S JUDGESHIP.

There seems never to have been a time that people did not wish Mr. Peyton on the bench, and immediately after Judge Tucker's resignation, they began to nominate him, through the papers, for the vacant judgeship. He quickly put a stop to it, however, by declaring his entire unwillingness to take the office, not that he did not consider it an honor, but because at his then age, he was not willing to enter upon its onorous duties. We regret that among the beautiful tributes paid to him at this time, in the Richmond papers, we have not been able to get any than that which follows.

JOHN H. PEYTON FOR THE COURT OF APPEALS.

Sir:

It will doubtless be incumbent on the next Legislature to elect a Judge of the Court of Appeals (to fill the vacancy caused by the resignation of Judge Henry St. George Tucker). This is the Supreme Court of the State, whose decisions have the weight of law, and, therefore, it is of the highest importance that a profound lawyer should be elected. I propose for this place a man who has no superior as a sound reasoner, a profound lawyer and thinker, a good logician and a persevering worker; a man who possesses both genius and learning, I allude to that able, dignified and learned Senator for Rockbridge and Augusta, JOHN HOWE PEYTON, ESQ. For many years Mr. Peyton has practised in the Courts of

Common Law and Chancery, and in the Court of Appeals and no one has acquired a higher reputation as a Jurist. If elected, his decisions will command the respect of every able jurist and honest man in the State.

It is not my wish to lessen the merits of others when I say Virginia has no better man, no abler lawyer,

ALLEN.

August 12, 1841.

The following very interesting reminiscenses are taken from the Spectator of 1891. They were written by one of the most intelligent and cultivated gentlemen of Augusta, who is still, in 1894, living in the county. He wrote under the signature of "Senex." The opening sentences of Mr. Michie's speeh constitute in themselves a splendid biography of Mr. Peyton :

AN INTERESTING REMINISCENCE OF JOHN H. PEYTON AND THOMAS J. MICHIE.

At the November term, 1843, of the Circuit Superior Court, Staunton, a case which had excited great public interest, in which the late Hon. John H- Peyton was one of the parties was tried. It had reference to a change in the Hebron Church road through Montgomery Hall, on the lands of Mr. Peyton. Some time before a portion of the public road running entirely through these lands was closed by order of the County Court upon Mr. Peyton's motion, and another road established—the same road now, in 1894, in use. The closing of the road gave great offense to a neighborhood commonly called the North Mountain neighborhood. Upon their

petition at a subsequent term of the County Court the order obtained by Mr. Peyton was, during his absence in the Senate at Richmond, rescinded, thus re-establishing the road which had been closed at his instance. From this decision Mr. Peyton shortly afterwards appealed to the Circuit Court, then the appellate tribunal in such cases. Before the case came on for trial there was an excited controversy in the newspaper in regard to the whole matter in which it was freely charged that the order of Court obtained by Mr. Peyton was in the nature of a purchase and sale of the public rights in the road. When the case came up for argument before Lucas B. Thompson, the excitement among the friends ot the parties was intense, the Court-house was crowded to overflowing, principally by the people of the North Mountain neighborhood.

For Mr. Peyton two of the most prominent members of the Staunton bar appeared, Thomas J. Michie and Hugh W. Sheffey; the other side was represented by A. H. H. Stuart and David Fultz.

The opening argument for Mr. Peyton was delivered by Mr. Sheffey, the junior counsel. He made a strong legal argument, closely following the racord and confining himself strictly to the merits of the case. He was followed by Messrs. Stuart and Fultz, who maintained the very remarkable proposition that the order of the County Court obtained by Mr. Peyton was an invasion and violation of the public rights, which could be redressed in no other way than by annulling that order at a subsequent term of the County Court as had actually been done, and unless this last proceeding could be sustained, they contended that their clients would be the victims of a wrong for which they would be absolutely without remedy. In some of their remarks

they were understood by Mr. Michie to assail Mr. Peyton personally. The Court adjourned until the next morning, when the excitement was greater and the crowd larger,

In the opening of his remarks the next day, Mr. Michie, who was evidently much excitod, said: "*I regret the course which the counsel on the other side have pursued in going out of the record to assail my client—a man who has served his country with distinguished ability in various civil positions in time of peace, who has honorably and gallantly served and sacrificed his property for his country in time of war—a man whose honor and integrity have never been impeached in this or any other community, before this or any other tribunal. And so help me God, I will not suffer him, old, respected and honored as he is, to be hunted down by the blood-hounds now on his track.*" At this point Mr. Stuart jumped to his feet and disclaimed any intention to assail Mr. Peyton, to which Mr. Michie retorted, "*I snppose the gentleman will not have forgotten that he charged that the public rights had been bought and sold.*" Mr. Stuart insisted that he had made no attack on Mr. Peyton. Mr. Michie then delivered a powerful and earnest speech in which the position of his adversaries were literally pulverized. He declared as to the North Mountain people that they had come to Staunton in crowds and had attempted to brow-beat the halls of justice,

Judge Thompson, in delivering his opinion on the case, decided that the original order of the County Court obtained by Mr. Peyton was a valid and legal order, and that the remedy which the other parties had, if, indeed, the public convemience required that the old road should be kept open, was to petition the Court under the general road law of Virginia to open the road *de novo*—thus deciding the whole case in

Mr. Peyton's favor. Thus ended a controversy which had excited a degree of fseling rarely exhibited in a case where so small a pecuniary, or property interest was involved.

PROTECTS A WEAK MINDED GIRL.

I remember Mr. Peyton's personal appearance and manners well. He made a great impression on me as a youth and I never knew any man who had more of what Edmund Burke styled the "chastity of honor, which felt a stain like a wound." His humanity and sense of right were deeply aroused in a case which occurred in Bath county in 1842, in which a man for speculative purposes sought to take the person and property of a girl of weak mind from the custody of her brother.s. He was represented by John W. Brockenborough, afterwards United States Judge for Western Virginia. Mr. Peyton appeared for the girl and her brothers and in opposition to the proposition made by Brockenborough's client delivered an impromptu speech in which the mean, selfish,cruel and avaricious nature of the proposition was so clearly and mercilessly exposed that Brockenborough did not even attempt to reply, and the presiding Judge E. S. Duncan, a half-brother of Judge John J. Allen, dec'd, instantly decided that the custody of the girl and her property should remain in the hands of her brothers. It was evident that Mr. Peyton's high and generous nature was filled with indignation at what he regarded as a most atrocious proposition, and he spoke with an animation, warmth and energy, probably never exceeded in any other effort of his long and distinguished professional career. SENEX.

Spectator, 1891.

LETTER FROM JOHN HOWE PEYTON, ESQ., TO THE COMMITTEE OF THE AMHERST FESTIVAL.

Staunton, October 8th, 1843.

Gentlemen:

Your letter of the 2nd instant inviting me on behalf of the Whigs of Amherst county, to be present at a festival to be held at Amherst Court-house, on the 19th of the present month, for the promotion of the Whig cause, has just reached me. I regret, that for reasons unneccessary to detail, it will not be in my power to accept your polite invitation. You judge rightly, however, in supposing that I cordially unite with you in the objects which you have in view. The next Presidential election is a subject so important and so deeply interesting to the nation, that it cannot be taken into consideration too soon. The issues involved in it are the same with those before the people in 1840, and affect so vitally the public welfare, that too much care cannot be bestowed upon our proper organization—not only to prevent the evlls arising from misrepresentation and falsehood, by disseminating among the people correct information, but to secure a full and fair expression of the public sentiment. If these issues are fully and fairly explained, together with the mode and manner in which the Whigs have been disappointed in carrying their measures into effect by the lamentable death of President Harrison, I do not fear a different result in the ensuing election from that which occurred in 1840. Our opponents have not yet designated their candidate. We are as yet uninformed whether we are to encounter the subtle abstractions af the South Carolina nullifier, or the wiley artifices of the "Northern man with Southern principles" or

whether we are to face both. Not so with the Whigs. Henry Clay is so identified with the Whig cause and with Whig principles, that "all tongues speak of him, and the blear'd sights are spectacled to see him." He is distinctly pointed at by Whigs, in all parts of the Union, as the candidate for this distinguished station.

Let Whig clubs then be established in every county in the State; let the people be correctly informed what Whig principles are, and why the battle of 1840 is to be fought over again; let the people know that the Whigs are not only in favor of a sound currency but of a currency of uniform value throughout the Union—a national currency, consisting partly of the precious metals and partly of paper, convertible at pleasure into specie; and that they maintain, that in the present commercial condition of our country and of the world, this species of currency can be best attained by a well-regulated national bank. Let them know that we prefer indirect to direct taxation—that we are the friends of a tariff, to raise the necessary revenues for the general government—so arranged as to protect our home industry, and to create a home market. Let them know that we are the friends to a distribution of the monies arising from a sale of the public lands, according to some equitable ratio, and that we are not willing that a fund pledged by the States for specific objects, shall, after those objects are secured, be diverted to others not contemplated by the parties at the creation of the trust. Let them know that we, as our name indicates, are the friends of rational liberty; that we are for preserving the balances of power as established by the Constitution, among the three co-ordinate branches of the Government—that we are the enemies of monarchy and all the monarchical tendendies of our Government—that we are in favor of restraining Executive

power and patronage; and for an economical administration of the finances.

If these topics are fully discussed, and the people made clearly to comprehend their bearing, the election of a Whig President in 1844, can scarcely be questioned.

You will pardon me for entering upon these subjects so much at large, when addressing myself to those who are more capable of doing them justice, and more interested in the issue than myself. I am an old man, and cannot expect to reap many of the fruits of a Whig victory, but I have a country and family that will enjoy them; and therefore I feel a deep interest in their success.

As I cannot be personally present, permit me to offer as a sentment:

May a retreating Whig in the contest of 1844, be a character unknown and unheard of.

Accept the assurances of my respect—Your fellow citizen.

JOHN H. PEYTON.

Spectator, Nov. 23, 1843.

A DEPLORABLE ACCIDENT.

During the summer of 1843, while Mr. and Mrs. Peyton and the entire family were outing, on his Jackson river estate, called Isleham, or the "upper farm," for he owned another estate lower down the Jackson river, he accompanied, on horseback, a surveying party, engaged in locating or rectifying certain lines. At many points on their route, the surface was rough and hilly, and near the high banks of the river overgrown with brush. While riding up one of these steep banks, through undergrowth and brambles, his horse,

a spirited animal, was beset by a swarm of bees. The animal began to plunge and soon became unmanageable, and rushing through the trees and brush, either dragged Mr. Peyton off or he was thrown, falling heavily to the ground, stunned and helpless. It was thought at the time that he was fatally injuerd, but after being removed to the dwelling, he revived, after one of his tenants, Mr. Meadows, had drawn from his arm a qnantity of blood, Dr. Payne, of Covington, an old friend and skillful physician, was by his bedside in less than rwo hours, and through his care and attention, Mr. Peyton was enabled to return to Montgomery Hall within a fortnight, and soon resumed his ordinary life. It is supposed that this accident was the beginnning of the end, the commencement of his decline, that he never fully recovered from his injuries, which affected the hips and spinal cord. The following summer he was prostrated by an attack of apoplexy, but such were the recuperative energies of his vigorous constitution, that he recovered from it, and attended the next session of the Senate after having made a visit to Col. Wm. M. Peyton, in Roanske, where he was extensively and elegantly entertained and where it is thought he may have indulged imprudently—in his then state of health, in the luxuries of the table. The writer was with him on this visit, and remembers well the numerous and splendid dinner parties given him by General Edward Watts, George B. Tayloe, Mr. Oliver, Mr. Bowyer, Mr. Preston, of Greenfield, Mr. Langhorne, Mr. Burrell, Colonel Lewis, Dr. Griffeth, Mr. Johnston and others.

His friends in the Senate, saw with pain and regret his declining health, and Mr. Peyton himself realizing it determined to abandon all public employment. Accordingly in the month of December, 1843, he announced in the following letter his purpose to retire :

Richmond, Dec. 1843.

TO THE PEOPLE OF AUGUSTA AND ROCKBRIDGE.

Fellow Citizens:

The term for which I was elected your senator is drawing to a close, and as it is not my intention to become again a candidate for your suffrages, I feel it a duty incumbent on me to apprize you of it thus early, that you may have full time to select for yourselves a suitable successor.

In taking leave of the district I tender you my grateful acknowledgements for the distinguished honor which you conferred upon me four years ago by electing me to the station I now occupy. Whilst acting in the discharge of the duties devolved upon me by this elevated trust, it has been my anxious desire to promote your interests and the general welfare of my native State. That such is the opinion of my coustituents I have not had the slightest reason to doubt. Under such circumstances it would be both my pride and pleasure to again serve you were it not for my peculiar situation.

I have now arrived at a period of life when the quiet and repose of the domestic fireside are much better suited to my tastes and more congenial to my feelings than the arena of politics and the strife of parties. Besides this I have duties to discharge to a young and growing family incompatible with a longer continuance in public life.

I have felt the less difficulty in coming to this conclusion because I know I can do so without injury to the whig cause or whig principles, in the success of which the people of my district feel so deep an interest. Their intelligence furnishes ample assurance that my place will be filled wisely and judiciously; and that they will call into their service some one fully competent to the discharge of all the high duties of the

station, and who will devote himself to the furtherance of those great principles and sound measures of pnblic policy, which in the eniightened judgment of my constituents, lie at the basis of national prosperity.

Your fellow citizen,

JOHN H. PEYTON,

Richmond, 1843.

There were universal expresssons of regret on this occasion. The Richmond Whig, edited by the distinguished and unfortunate, John Hamden Pleasants, who was killed a few years later in a duel with Thomas Ritchie, Jr., said: The people of Rockbridge and Augusta and of the State generally, will see, with regret, the announcement of Mr. Peyton's purpose to retire from the public councils. Mr. Peyton came into the Senate of Virginia three years ago, and his accession contributed greatly to the object at that time much considered and desired by the State, to elevate the greatly declined and declining standard and character of that body for ability. The last spring elections have started another retrogradation in the same way and we are greatly concerned at any circumstance calculated to accelerate the down-hill march. The withdrawal of Mr. Peyton's rare talents, large experience, legal and general knowledge, moderation, firmness and courtesy, from any legislative body whatever, would be seriously felt."

John S. Gallaher, Senator from Frederick, said in the "Winchester Republican":

"Mr. Peyton has long been known to the public as a gentleman of great ability and manly bearing, and his associates in the Senate will sincerely regret a severance of the agreeable, social and business relations so long and pleasantly subsisting between them and him. We are happy to add for

the information of Mr Peyton's friends abroad, that there is now a reasonable prospect of his restoration to some degree of comfortable health. Such extracts from the papers of the day might be indefinitely extended and every mail came loaded with private letters to him of regret.

After the publication of Mr. Peyton's letter, several announced themselves as candidates for the Senate, among them John McCue and R. S. Brooke, of Augusta and R. B. Barton, of Rockbridge. Considerable feeling originated among the aspirants and the difficulties were adjusted in the manner disclosed by the subjoined correspondence, which explains also Mr. Peyton's continuance in public life.

LETTERS TO THE CANDIDATES, MC'CUE, BROOKE & BARTON.

Lexington, April 17th, 1843.

Gentlemen:

You are fully aware of the difficulties which attend the Senatorial canvass, from the circumstances that three Whigs are in the field, and the consequent danger which may attend the Whig cause, and the Whig representation of the Senatorial District, of Rockbridge and Augusta.

Having the fullest confidence in your political principles, and being well assured that either of you would ably and faithfully represent the district, renders still more difficult the task of discriminating among you. We, therefore, in order to secure a Whig representation, and in order to enable the people assembled here today to solicit a continuation of the able services of *John H. Peyton, Esq.*, propose to you this plan, that you all retire from the canvass in order that a *call*

may be made on Mr. Peyton, to offer his services. An immediate answer is respectfully requested.

JOHN ALEXANDER.
JOHN RUFF.
WM. MOFFETT.
WM. C. LEWIS.
J. T. SHELTNER.
CHAS. P. DORMAN.

THE CANDIDATE'S REPLY.

Lexington, Va., April 17th, 1843.

Gentlemen:

We cheerfully acquiesce in the plan proposed in your communication, and retire from the canvass with the expectation that Mr. Peyton will consent to become a candidate.

Yours, &c.,

R. S. BROOKE.
JOHN McCUE.
ROB'T R. BARTON.

Lexington, April 17th, 1843.

John H. Peyton, Esq.,

Dear Sir: At the suggestion of our friends, and with the desire of concentrating the vote of the Whig party of the District, we have consented, as the most agreeable course to us all, and one which we think will meet the approbation of our district, to dscline the canvass for the Senate, *provided you will consent to run.*

We hope you will submit to the proposed sacrifice for the sake of union in our party, and the promotion of the country's good.

With great respect, your ob't servant,

ROB'T S. BROOKE.
JOHN McCUE.
ROB'T R. BARTON.

MR. PEYTON'S REPLY.

Lexington, April 17th 1843.

Gentlemen :

Your note of the above date was handed me a few minutes ago by Mr. Michie, stating that, at the suggestion of our friends, and with the desire of concentrating the vote of the Whig party of this Senatorial district, you had consented as the most agreeable course to all, and one which you think will meet the approbation of the district, to decline the canvass for the Senate, provided I will consent to become a candidate.

I feel greatly flattered by this testimonial of your confidence, and though I had fondly hoped to spend the residue of my life at home upon my farm; yet the object to be attained is so important, as disclosed in your note, and as I have learned from other sources, I cannot refnse to become again a candidate for a seat in the Senate of Virginia.

You are at liberty therefore to announce me as such, in such manner as you may think best. Business calls me out of the district, and will detain me from it until the day of election in Augusta.

I am with great respect, your ob't servant.

JOHN H. PEYTON.

To R. S. Brooke, John Mcue, and R. R. Barton.

Accordingly, at the election in May, he was chosen for a second term, of four years, to the Senate, and while he was still absent from the district attending to the private affairs of his estates, mills, &c. in the counties of Alleghany and Monroe.

A BUNDLE OF MISCELLANEOUS LETTERS.

The following letters are derived from the same source

with those previously given. They are not a selection from the bundle, but the bundle itself. So little was the little bundle, we ventured not to make that little less:

JOHN H. PEYTON TO HIS DAUGHTER, SUSAN MADISON PEYTON.

Staunton, Friday, 13th April, 1837.

My Dear Susan:

Your mother has shown me your letter, in which you request that I shall write you. Why is ths request made after such a short separation? Do you already feel the necessity of counsel? If so, it is at hand in your two Aunts, with whom you should communicate freely aud fully, and whose opinions you should not only respect, but implicitly follow, certainly as to all matters relating to etiquette, behavior and conduct.

You are very young and inexperienced in the ways and wiles of the world, and yet your size would indicate maturer years, hence strangers will expect manners, conduct and conversation suited to your size and not your years. Do not permit the buoyancy and vivacity of youth to betray you into levity of manners. Be circumspect, be dignified, and be good humored. The control of the temper is of the first importance to the elevated standing of every woman. Learn to be cheerful, sociable and agreeable. This you cannot be without controlling your temper. Be not hasty to take offense, or captious, and recollect that though she that will not resent an insult when offered, is a contemptible beast of burden, yet she that is captious and ill-natured, and ready to take offense at trifles, is a beast of prey. Half the difficulties and disappointments and vexations we meet with in the world, had as well be the subject of our amuse-

ment as our tears, and so far as it regards our intercourse with the world, had a great deal better be the subject of our amusement, for in general there is little sympathy felt for the woes of others. In your conversation be careful that you speak grammatically and avoid all rude or coarse expressions. The best way to acquire colloquial power, so important to a well educated woman, is to listen to those of your sex attentively, who are most remarkable for these gifts. You thereby acquire correct pronunciation, good gestures, easy delivery, and a knowledge of those topics of conversation that are most likely to enable you to beguile an hour agreeably.

Present me affectionately to your Aunts, and believe me to be, with solicitude for your conduct and appearance and permanent happiness,

Your affectionate father,

JOHN H. PEYTON.

JOHN H. PEYTON TO HIS WIFE.

Richmond, Jan. 15th, 1840.

My Dear Wife:

Your affectionate letters, one written on the 5th, the other on the 11th, have been duly rec'd and read with delight.

I presume that ere this reaches you, that Mr. Woodville will have arrived and delivered to you those beautiful specimens of plate which I forwarded to him, and which cost so much that it has greatly straightened my pecuniary means—Mrs. Telfair's loan having been invested in State stock. He will also have given you all the information as to what has transpired since we parted. On yesterday I dined with Judge Tucker, where I met, among others, Mrs. Wm. Mon-

cure, and two sons, of Stafford—old friends. In the evening, I attended, with Gerard Stuart and Mr. Worthington, of Jefferson, a party at Anthony Robinson's, but finding the company too youthful for my enjoyment, I returned and was in bed before ten o'clock. Today I dine with Mr. Patton (J. M,), on tomorrow with Dr. Brockenbrough, so that you see that I have plenty of good eating and drinking, but I really do not enjoy it. It gives me a fullness in my blood vessels, and is such an inroad on my habits that I would greatly prefer being at home. These sensual pleasures are not to my taste, and in the future I shall avoid night parties. The business of legislation, so far as the Senate is concerned, has hitherto been anything but laborious. We meet at twelve o'clock, sit about an hour, pass a turnpike bill, or some such frivolous bill, and then adjourn.

This, however, will not be the case in the latter part of the session when bills of more importance are sent to us.

Who will be Senator or Governor is as yet altogether uncertain—numbers are nominated for each station, of course, many must be disappointed.

* * * * *

The wound inflicted on Dr. Stribling and the death of the Rev. James C. Wilson have filled me with grief. I do not think the Superintendent of the Hospitals should permit the lunatics to carry arms and wander about town. You know that I have more than once expressed apprehensions as to our connection Towles.*

I have not seen Anne Robertson since my return. I was invited to an evening party at Judge Robertson's to-day, but declined.

*He was an inmate of the Asylum but allowed to go at large.

Many enquiries have been made by Susan's friends as to her reasons for not coming down with me. Rumor assigns as the season that she is to be married. I have contradicted it and asked Anne Robertson to do so.

If Channing declines going to my Calf Pasture farm, I will rent it to Crawford. If you see Crawford tell him so, and ask him to call on me when I return. Tell Brown not to let slip this opportunity or he may not hereafter be able to fill the ice house. Give my love to all and accept the same,

From your affectionate husband,

JOHN H. PEYTON.

JOHN H. PEYTON TO HIS WIFE.

Charlottesville, Oct. 11th, 1840.

My Dear Wife:

I reached here on my return from Richmond, where I received your letter of the 6th of October. The reports you have heard are true in part and in part false. It is true I had my pockets picked as soon as I reached Richmond, which was between 12 and 1 o'clock on Saturday, but it is not true that I had so large a sum of money with me as rumored. I had only $500 with me, which was stolen, together with my umbrella, tobacco bag, pipe, etc.

It occurred thus: My trunk was in the baggage car of the train, with my overcoat and umbrella strapped on top. The cars were crowded to overflowing, and on reaching Richmond the younger part commenced cheering for "Old Tippecanoe and Tyler too." The station was surrounded by an immense crowd when the train arrived, which cheered lustily by way of welcome to us. About this time the Fredericksburg train arrived, which increased the crowd, the noise and

confusion. After leaving the train, I pressed forward to secure my baggage. This I succeeded in doing as to the trunk, which was, however, *minus* the overcoat and umbrella, and placed it in charge of Tom Preston,* who was traveling with me. I then returned to the cars in search of the lost articles, though it was very difficult to get though the mass of human beings, and when in the densest part of the crowd felt a man pushing me forward from behind and one in front pressing me back. The one in front interfered with my progress so much that I seized him with both hands and dashed him out of the way, at the same time demanding what he meant by his conduct. He apologized humbly, saying it was an accident due to the crowd. Re-entering the cars I heard the conductor crying out "beware of pickpockets." Upon which, feeling my pocket, I discovered that my purse and pocket-book were gone. I have no doubt my pocket was robbed while I was between the two scoundrels outside. Many others fared no better than myself. Next morning a man was arrested while his hands were in a gentleman's pocket. I visited this fellow in jail with Mr. Seymour, and he was very much the size and appearance of the man I thrust out of my way, but I could not identify him fully. He said he was an Englishman and had only been three months in America --was in Baltimore when Mr. Webster came to Virginia, that Mr. W's fame in England was so great that he felt a strong desire to hear him speak, and came on to Richmond for that purpose; that he had no acquaintances in Richmond nor other business there, and had brought no baggage. His extraordinary account satisfied me that he was one of a gang of professional pickpockets from abroad, who had come here to

*Thomas L. Preston, of Abingdon, and brother of Hon. Wm. C. Preston, of South Carolina.

plunder during the excitement of our Presidential election. I have no hope of recovering my money or any part of it, which I much regret as I intended purchasing you a new carriage. We must use the old one a little longer.

Your sister Sarah arrived here the same day with myself. She looks grave and depressed. The term of the court will be short, so that you may expect my return soon. With love to Susan and the rest of the family,

Your affectionate husband,

JOHN H. PEYTON.

SAME TO SAME.

Richmond, January 8th, 1841.

My dear wife:

I send as presents to you and my daughter Mary, two of the most superb cloaks that I have ever seen and such is the opinion of others who have seen them. Yours is grave, elegant and becoming, Mary's is rich, magnificent, dashing and unsurpassed for beauty, and is of the kind now all the rage. She will look beautiful in it.

I carried the old toddy spoon and the broken silver spoons to Mr. Mitchell, and he agreed to let me have in exchange a half dozen silver spoons. He has also agreed to let me have a dozen silver table spoons and a dozen small spoons, and some forks, but I do not know what they will cost.

The Senate after altering the title of the bill for shortening the sessions of the legislature, a bill to reduce the wages of the members of the legislature was introduced and passed unanimously.

Sarah Lewis and Miss Lewis have been visited by all my

brother's family and by the Governor and family, and perhaps others.

I hope to send your cloaks by Mr. Valentine, who proposes to leave here on Tuesday in the cars. I have them boxed and ready. They cost heavily, as you will see from the bills in the box, viz: $58.93. Woodville is here, and is with Judge Allen, Judge Baldwin, and myself every day.

I purchased at auction to-day a Pier glass with a Marble top, to occupy the place in front of the mirror in the drawing room, as you requested. It is handsome, and the mirrors below the table I think will fit the place precisely.

The affectionate leave-taking we had on the morning we parted, sank deeply into my heart, and I shall long recollect it. Present me affectionately to my dear children and accept my sincerest regard.

Your affectionate husband,

JOHN H. PEYTON.

P. S. Gen'l Baldwin and myself are to visit Miss Deborah this evening. PEYTON.

SAME TO SAME.

Senate Chamber, March 15th, 1841.

My Dear Ann:

I shall leave here, if no accident occurs to prevent, on Thursday next, on my return. I will stop in Charlottesville on Friday to confer with Cochran on business matters, and expect to reach home on Saturday. I regret to leave before the Senate adjourns, as this is a period of interest as to our general legislation, but I have paired with Carter, and I have an engagement at home which is imperative. I feel great anxiety to see you and the dear little stranger who has

never seen her father. Would not Virginia be a good name for the child, as I was denied the pleasure of seeing her earlier, in the service of the State. I submit the matter, to you.* Farewell till we meet. Love to all.

In haste, your affectionate husband,

JOHN H. PEYTON.

FROM JOHN H. PEYTON TO HIS SON, JOHN LEWIS PEYTON.

Richmond, Dec. 29th, 1841.

My Dear John:

Your lettter of the 23d of December is before me. It is true that I have been unwell with a cold, but this has not confined me at any time to my room, and I am now much better. As to your plans, it was not my wish or intention that you should resume your studies until after the holidays.

You entirely misunderstood my letter to your mother, if you suppose that I am opposed to your continuing the study of Greek, Latin or French. In my letter to your mother, I was contrasting the benefits to be derived from a study of the languages, ancient and modern, with those to be derived from the Mathematics, in which I gave a decided preference to Mathematics. I did not intend that you should infer that I was opposed to your acquiring the languages. So far from this, I have no idea that a man can have any pretensions to the character of a scholar without a knowledge of them as well Mathematics. It is my wish, therefore, that you should devote yourself to these studies under the care and direction of Mr. Waddell. If you have time to read at home, I wish you to peruse: 1st, Gillie's Greece; 2d, Rollins' Roman His-

*The child was named Virginia Frances, and is, in 1894, the widow of Col. Joseph F. Kent, of Wytheville, Va., and the mother of three fine children.

tory; 3d, Gibbons' Decline and Fall of the Roman Empire; 4th, Hume's History of England, and postpone Philosophy and Chemistry for the present. At a later period, I will give you a list of authors you should read, in the order in which they should come, for it is true, as Locke says, to quote him as near as I can from memory, "educations begins the gentleman, but reading, good company, and reflection, must finish him." I may remark here, that in a course of reading, you should pursue method, and in order to make yourself familiar with the literature of a country and people, say our mother country, England, you should confine yourself for a time to the authors of a particular era, such as the Anglo-Saxon period; then the Anglo-Norman period, which will bring you down to about 1350, when the character styled Black-letter, or Old English, was used, and so on. You will find a fund of historic lore in Hall's History of the Houses of York and Lancaster, Hollingshead's Chronicles, Stowe's Chronicles, Camden's Britannia, Lord Bacon's Henry VII., nearly all of which is in my library.

There is one thing, my son, that is indispensible now, and you will find it equally so in all your undertakings through life—and is something in which you are wanting, that is industry and a firm resolution to make yourself master of every study or pursuit in which you engage. Have unity of aim, perseverance, and you must succed. Most of the miseries and vices of mankind proceed from idleness and a wrong direction given to their energies. I ardently desire your success and the progress you make now will decide whether or not I shall be gratified or disappointed. Address yourself anew to your books, and though from your previous neglect and want of training, you may progress slower than you would wish, and than some would do in your position, I know

enough of your parts to feel a perfect conviction that you can reach the goal as certainly as the brightest of your youthful companions. A word more as to your studies. While I consider a knowledge of the languages essential to a gentleman, I regard mathematics as essential to a liberal education, and as, indeed, the most important part of it, mathematics is the perfection of reason, and its peculiar excellence consists in the fact that its principles are demonstratable—especially is this the case in geometry, the most general and important of the mathematical sciences. Every proposition that it lays down is subjected to the most accurate and rigid demonstration. Mathematics is, in fact, the only science whose truths are clearly demonstrated, and whose results are conceded by all rational beings. If you state a proposition in morals, philosophy, in law, poiltics or religion, which you think correct, you will find few of your listeners willing to acknowledge its truth. You debate the question, but you have no means of deciding who is right. Not so in mathematics. There demonstrations are so clear and conclusive that all rational men yield to them. Hence it has been called the science of certainty. By acquiring mathematics then you acquire a science that you know to be founded upon correct reasoning, and when you are disputing a point of law, politics, theology or morals, you will be enabled to ascertain more certainly those arguments that lead to a correct conclusion, and at the same time with the more ease to discover those that are fallacious and sophistical. He who gives a portion of his time and talents I have somewhere read, to the investigation of mathematical truth, will come to see all other questions with a decided advantage over his opponents. He will be in argument what the ancient Romans were in the field; to them the day of battle was a day of comparative recreation, because they

were each accustomed to exercise with arms much heavier than they fought with; and their reviews differed from a real battle in two respects, they encountered more fatigue, but victory was bloodless. Therefore determine to make yourself a mathematician, as well as a linguist—a thorough scholar. The pursuits of knowledge lead not only to happiness but to honor. "Length of days is in her right hand and in her left are riches and honor." Even in the most trifling species of knowledge, in those which can amuse only the passing hour, it is honorable to excel—how much more so to excel in those different branches of science, which are connected with the liberal professions of life, and which tend so much to the dignity and well-being of humanity. Such excellence raises the most obscure to esteem and attention, it opens to the just ambition of youth, some of the most distinguished and respected situations in society; and it places them there with the consoling recollection, that it is by their own industry and labor, under Providence, that they are alone indebted for them.

Remember me to the family and such persons as may be visiting you.

I am your affectionate father,

JOHN H. PEYTON.

JOHN H. PEYTON TO HIS WIFE

West Point, June 9th, 1841.

My Dear Ann:

I reached here without accident at 10 o'clock, the 7th inst., the day appointed for the meeting of the Board, having traveled 400 miles between Wednesday evening and Monday morning, including Sunday, on which day I rested in New

York. Consequently I saw none of our friends in Richmond, Washington, Baltimore or Philadelphia. Nor did I call on any in New York. On reaching here on Monday, I was glad to find my old friend, Commodore Stewart, of the Navy, Miss Taggart, and Mr. and Mrs. Hugh Campbell, of Philadelphia. They were all delighted to see me, but greatly disappointed that I had not brought Susan. There is a large crowd of ladies and gentlemen at the Point attending the examinations. The Virginia cadets maintain their high character for talents and character at the Academy, which gives me great pleasure.

I have just received a letter from Rowze, pressing me to visit him in Geneva. Whether I shall be able to do so is uncertain, as the examinations will last at least a fortnight. I have not received a line from any member of the family since I left. Pray write. Give my love to all. In haste,

Your affectionate husband,

JOHN H. PEYTON.

P. S.—June 10th. I neglected to post the above. Commodore Stewart has just offered to take John on his ship as his private secretary for a cruise round the globe. I declined, as it would interfere with his education and give him roving habits, which would probably alter the whole ccurse of his life. It was very kind, however, in Stewart, and I thanked him heartily.

J. H. P.

SAME TO SAME.

Richmond, Dec. 13, 1841.

My Dear Ann:

Your welcome letter of blank date, but post-marked the

9th instant, was duly received today, informing me that you were all well. On Monday last I entered Ann at Mrs. McKenzee's to learn not only reading, writing, arithmetic, and geography, but manners, dancing, &c. She stays with my brother's family, goes to school with Julia A. Peyton, and is apparently very contented, as I see her every other day. I have carried her to see your cousin, Mrs. John Robertson, and Miss Deborah, both of whom received her and treated her affectionately, as if she had been their own daughter. She is to go out on Saturday to Anthony Robinson's to spend Saturday and Sunday. She has already written to you.

Tell Susan that on this morning I breakfasted, by invitation, with Miss Deborah Couch, where I met Miss Ann Robinson—that after breakfast Miss Robinson went with me to the music store of Wm. Daniel, where I purchased for Susan music to the amount of $3 or $4, embracing all the most choice new songs, waltzes, &c., for the piano and some music for the guitar. Mr. Daniel has promised me to have it bound, with her name upon it, by Thursday evening. If this is done, I will send it up by Points or Worthington Smith, who are here upon Lodge business, and who expect to return on Friday next. We had heard before your letter reached us, of the deplorable accident which befell Mayo Cabell. I hope and trust that his life will be saved to his family.

I am to dine today with Dr. Brockenborough, and so must conclude, with the sincerest good wishes for yourself and family.

Your affectionate husband,

JOHN H. FEYTON.

SAME TO SAME.

Richmond, Jan. 10th, 1842.

My Dear Ann:

On yesterday I bought you a Brussels carpet, which cost $220. It is a handsome and most excellent carpet. Also a rug. It will be carefully packed and left with Mr. T. R. Blair, to be forwarded to Staunton. The cadets are here from Lexington, undergoing an examination before the Legislature. Col. Smith is staying at Bernard's; (Gen. Peyton's.) I saw Ann (his daughter) yesterday. She is greatly improved and is getting over, in some degree, her timidity. She begins to dance very well. I visited Dover* a fortnight since, and was greatly delighted with the apperance of everything.

I explained to Mrs. Robertson your wishes as to a mantilla. She has promised to go out with me the first good day I am at leisure, and select one for you. Tell my good daughter Susan, that I have received her letter and will give it prompt answer. Love to all.

Your affectionate husband,

JOHN H. PEYTON.

SAME TO MRS. PEYTON.

Isleham, March 6th, 1844.

Dear Ann:

I arrived here in two days; the first night I staid at Blackburn's, the second here, I have not been well since my arrival, but am better to-day. Our nephew, Henry Massie, is with me, and has been good enough to remain. Eugenia Gatewood is at Henry Massie's, and I feel inclined to go over

*An estate of Gen. Bernard Peyton's on the upper James River.

to see them all. Everything here is as I expected. So far, no maple sugar has been made, owing to the mild weather, but they will begin with it tomorrow, and I hope, to bring back at least, enough to satisfy the children.

I sent to Callaghan's on yesterday hoping to get a letter from James A. Lewis in regard to my business in his hands on the Kanawha, but was disappointed.

Tell Leonora Stack that nothing has been heard of Mr. Edward White and his family. If she has any intelligence of them let her advise me by letter, addressed to the Warm Springs. Patrick Meddins is building me a new stable. Richardson has not yet removed.

In the division of his father's servants Reuben fell to Tom Massie, and as he is married to one of my servants, I proposed to exchange Julius for him. Thomas has not yet decided what he will do.

I do not know when I shall return as I am anxious about my mills on the lower farm and wish to meet Mr. White.

My love to all. Your affectionate husband,

JOHN H. PEYTON.

SAME TO SAME.

Richmond, January 16th, 1842.

My Dear Ann:

This will be handed you by Gilbert Guy, a servant of good character, who will fill the departments at Montgomery Hall, formerly filled by George Martin, and better. He is sober and obliging, a fair carpenter, wood cutter, cradler, gardener and coachman. I wish you to employ him about the house as "Jack of all trades." I think he will make himself very useful, and I hope you will be pleased with him. He

carries your fine carpet in the boat to Scottsville, to be left with Matthew Blair, who will forward it to Staunton, to the care of Benjamin Crawford. I have never known times as hard as they now are, so you must bear with me for the present as to other purchases.

I am, with sincere affection for you and the children, your husband,

JOHN H. PEYTON.

SAME TO SAME.

Senate Chamber, March 23d, 1842.

My Dear Ann:

This is the day on which both houses had resolved to adjourn, but the following bills have got to be passed by both houses: the tax bills, appropriation bill, bank bill, and the James river and Kanawha bill. Consequently we shall be forced to remain in session till Saturday. Immediately after adjournment, Ann and myself will leave here. I have purchased a velvet scarf for you, and another for Susan, at $23 each.

William is here, but will soon return to Roanoke by way of Lynchburg, not Staunton. I hope he will bring his family to see us in the summer. He promises to do so.

Give my love to Susan, John and the rest of the children, and accept for yourself the assurance of my sincere and devoted attachment.

Your husband,

JOHN H. PEYTON.

SAME TO JOHN LEWIS PEYTON AT THE UNIVERSITY OF VA.

Staunton, Dec. 29, 1842.

My Dear Son:

Mr. Kinney has promised to deliver you this letter. Inform me, after enquiry of the Proctor, what sum I must deposit for the next half term. Write so that I may get your letter a few days before leaving home for Richmond. The young Mr. Peyton, who has just entered the University,* is a son of Mr. Townsend Dade Peyton, formerly of Loudoun county, Va., then of Frederick, who emigrated to Ohio, and a son of Col. Francis Peyton, of Revolutionary fame. His grandmother was a Miss Dade and a sister of my grandmother on the mother side. He is, therefore, on both the paternal and maternal sides a blood relative of yours. I hope he is a worthy, studious young man aud that you may become friends. Be kind and attentive to him and encourage him. I would like to know and to have him at my house. Invite him to spend the entire vacation with you here, and at Jackson river and at William's in Roanoke.

In haste, your affectionate father,

JOHN H. PEYTON.

JOHN H. PEYTON TO HIS DAUGHTERS, ANN AND MARY PEYTON.

This letter was written a year after Mr. Peyton was paralyzed and when he was obliged to employ an amanuensis.

Montgomery Hall, Nov. 30th, 1846.

My Dear children:

I had the pleasure to receive Ann's letter this evening

*Robert Ludwell Yates Peyton, afterwards a distinguished lawyer State Senator of Missouri, a Colonel in the Confederate army and Senator for the State of Missouri in the Senate of the Confederate States of America. He died from disease contracted before Vicksburg, Miss.

and was so much pleased with it that I determined to answer it by the post of tomorrow. Ann's letter is characterized by a good style and evinces much warmth of heart. It shows that the pains I have taken with the education of my children has not been bestowed in vain.

I was glad to hear that your aunt Lynn, had treated you with the utmost affection and kindness, and surprised that you have found any difficulty in returning your visits. What has become of Cochran's fine carriage and horses. Had I supposed you would have had any trouble in getting about I should have ordered my horses and carriage to remain in Charlottesville during your visit. Tell Cochran he must provide a way for you to return your visits in the town and at the University. You speak in your letter regretfully of your short stay, but it can't be helped owing to the late period of the year. I am apprehensive of a change in the weather and wish you to return. But an accidental circumstance will prolong your visit for a few days. It is this. John Baldwin* goes to Charlottesville tomorrow week to attend court. He will remain only two days and will take charge of you and fetch you back in the stage coach.

My health is very much what it was when you left. I received a present yesterday of a saddle of venison weighing 40 pounds from Mr. Callaghan. I intended having it cooked to-day and wish you were here to partake of it.

A young gentleman by the name of Holcombe, from Lynchburg, who brought John a letter of introduction from Mr. Charles L. Mosby, will dine with us.†

*The late distinguished Col. John B. Baldwin, who married Mr. Peyton's eldest daughter Susan. Col. Baldwin was Colonel of the 52nd Regiment during the Civil war and member of the Confederate Congress, and was a man of eminent ability.

†NOTE.—Wm. H. Holcombe, physician and Swedenborgian writer—a brother of James P. Holcombe—and the author of "Our Children in Heaven," "The other life," etc, etc.

Why has Mary not written me?

Remember me to Cochran, Lynn and the children and to Louisa Coleman.

I am, your affectionate father,

JOHN H. PEYTON.

To this letter the following P. S. is appended:

My Dear Sisters:

As father was too feeble to write you a longer letter, he requested me to add a few lines in order to give you the Staunton news. I proceed to do so briefly and hurriedly. Since you left, the town has been more lively than usual. One of the excitements has been a flock of wild pigeons——millions of them—which rested 24 hours in the neighborhood, and afforded the sportsmen rare fun. Thousands have been killed, and as much powder and shot used as if we had been repelling a Mexican invasion.

Another stir has been caused by the Governor's proclamation calling for troops for the Mexican war. Nearly everybody wants to go, only a few can be accepted, as Virginia is permitted to furnish only two regiments. The early bird catches the worm, and V. E. Geiger and Wm. Harman have gone to work actively to recruit a company. Thirty have already volunteered to go with them, and the two militia regiments of the county will be mustered in a few days, at their usual training grounds, that these gallant young men may speak and thus fill the ranks of their company at once. Though it is not necessary, speeches will be made at the big musters to the regiments [we can't do anything in our country without speaking] by Mr. Michie, Judge Thompson, Geiger, Harman, Harper, and others. It is believed that hundreds more than are needed will volunteer.

Baldwin's company declined to volunteer as a company. Harper is to command the new company, at least the command will be tendered to him, as it is said he is anxious to go to Mexico. His health is very bad, and he thinks service in Mexico will do him good, besides he is full of fight.

Another excitement was a fire in Long's grocery, near the Virginia Hotel. It was soon put out by the crowd, which quickly assembled after the alarm. As I was returning from the fire, I met the engines, followed by a hilarious crowd, crying out, at the top of their voices, as if they were celebrating a political victory.

But to come nearer home. Notwithstanding my father's crippled and prostrate physical condition, he is, as ever, bent on hospitality, and we give a dinner party next Wednesday. Invitations have already been sent out and accepted by Judge Thompson and family, Mr. and Mrs. Michie, Mr. and Mrs. Castleman, Mrs. Judge Baldwin, Mr. McElroy, Baldwin and Susan, Emma Terrill, Holcombe, John Dabney, Rosa Boys, and others.

Holcombe is a clever young man from Lynchburg attending law lectures, said to be worth capturing, so come back and let us see which of you three can bag the game.

We have been visited by the *Harmonicons*, of Boston, whose performances have been very successful. One would hardly suppose the peculiarities of the negro dialect and character could be so accurately reproduced by a company from the "Hub." All the town ladies attended, among them, somewhat to my surprise, Rosa Boys and Susan Baldwin.

When Dabney called yesterday and asked when *Mary* was coming back—I lashed him into a silent fury and enjoyed the fun, by saying you might be absent six weeks or two months. He smoked five pipes in gloomy abstraction, and

then left, apparently considerably "cut up," that is to say, in the dumps.

Sue Tapscott and Mary Eskridge are at Stuarts still. No news of Add., but I saw Kate and Martha yesterday for the first time since you left. Hendren has taken a law office in the old frame building on Augusta street formerly occupied by the Deaf and Dumb pupils. Charles H. Lewis* has become the owner and editor of a newspaper published in Martinsburg and will soon leave here to make that town his permanent home. It is to be hoped that he will now give up poetry and enter on practical life. Poetry is too unprofitable for a man working for his daily bread. He will be much missed in Staunton, especially by the nest of singing birds of which he has always been a warbler of the first feather.

John Harman has returned from Texas and tells many strange stories of the rangers and life on the border.

Cousin John R. Green has just written, giving us news of our Kentucky kin, who are generally *in statu quo*. He says Bat is leading an idle life there, is, indeed, so lazy that he can't make love to his sweetheart, who, though she prefers Bat to other lovers, is about to accept the offer of another suitor, despairing of Bat's ever getting enough energy to propose! I have heard of lazy men before, but never one who filled this description.

I received a letter from B. Gallagher on yesterday. He will make us a visit within a few weeks. Lieut. Getty† has removed his recruiting quarters to Lynchburg. I am sorry for it, as I have none of the ridiculous prejudices of some for West-Pointers, and like Getty very much. He is a sensible,

*NOTE.—During the administration of President Grant appointed Minister Resident to Portugal.

†Afterwards Gen. Geo. W. Getty, U. S. A.

well mannered, highly educated and companionable man and officer. It is said he is engaged to be married to Miss Elizabeth Stevenson. I have just complied, in a way, with father's request.

I have only room to say good-bye. With love to Uncle and Aunt Lynn and all, includlng, if the word is permissible, Miss Lou Coleman,

I am your affectionote brother,

J. LEWIS PEYTON.

JOHN H. PEYTON TO HIS DAUGHTERS, ANN AND MARY.

Montgomery Hall, Dec. 9th, 1846.

My Dear Children :

On consideration I have determined to send Ned and the carriage to Charlottesville for you. You can return in it more comfortably than in the stage coach. I leave it to you to decide whether you will make the journey back in one or take two days for it. If the weather continues dry and the roads are as good as to-day it will be advisable to make the journey in one day. It is difficult to count on more than three bright, dry days at this season. As you return call for a few minutes on my old friends, the Bowens. I am apprehensive that if you remain longer, though I well know the hospitality and kindness of your uncle and aunt, that you will make them *twice glad*—a thing I have never done, and I hope never will.

Present me kindly to Cochran and Lynn. I am glad they have been so kind and do not think Lynn ought, in the condition of her health, to give you the party she speaks of. Remember me to Lou Coleman and tell her to return with you in the carriage. Baldwin will take charge of her and your

trunks and fetch them back in the stage coach. I have supplied Ned with money for his journey to and fro, for tolls, feed, &c.

Your affectionate father,

JOHN H. PEYTON.

JOHN L. PEYTON TO HIS MOTHER.

Baltimore, 1848.

My Dear Mother:

I reached here to-day on my return from the west, but am so much fatigued by a continuous journey of 800 miles that I have decided to lay over Saturday and Sunday for rest and recuperation. It will give me an opportunity also to see the Hulls, Howards, Williams and other friends. On Tuesday morning I expect to reach Staunton and will be glad to find the carriage at the Virginia Hotel to take me home. Tell Sheets to send my riding horse to Gregory, and have him shod all round. I write in great haste and will defer any account of my travels until I get back. I will tell you of the new scenes, the strange people and all the keen excitement consequent upon my wanderings.

Thank Lizzie for her letter which I received at Niagara, also Gallagher, for his received at the same place. He says you have had nothing but rain since he reached Montgomery Hall. I am glad he hasn't had a dry time and presume from the spirits in which he writes that his suit is likely to end in success. What says Mary.

I met my cousin, Dr. James McDowell, son of Governor McDowell, of Lexington, and his western wife, *nee* Bent, of St. Louis, in Buffalo, N. Y. He was recently married and

from the way he wined and dined (on Champagne, etc.,) I presume he is on his bridal tour with a pocket full of money. His wife is an amiable and sensible woman, is not pretty, but inherited four hundred thousand dollars. This will cover over a multitude of small deficiencies if she should have any, besides plain looks. They urged me to go down the St. Lawrence with them, but the scenery of the 1000 Islands would hardly compensate a third party for the boreing society of a newly married pair. I therefore withstood all their importunities, and they were so earnest that I began to think they were tired of each other.

With much love to all the family, believe me my dear mother, your dutiful and affectionate son,

J. LEWIS PEYTON.

P. S. If I should not arrive on Tuesday send Gilbert in with the carriage, from day to day, until I do reach Staunton. I expect, however, certainly to get back on Tuesday.

J. L. P.

FROM WM. MADISON PEYTON TO MRS. JOHN H. PEYTON.

Philadelphia, June 20th, 1847.

My Dear Cousin:

I arrived in this place a few hours since and finding from consultation with my children, that our respective purses are so nearly exhausted as to make it necessary that we should husband what remains and take the straight *chute* for home. I have determined to confide the articles purchased for you to the care of Lawyer Davidson, of Lexington. Both the children and myself regret exceedingly our disappointment in the visit to Staunton, but their and my unexpected long ab-

sence from home,and the extreme anxiety of my wife for our return,leaves us no alternative. We must select some more appropriate occasion and pay you a special visit from Elmwood. I have ransacked the whole country for teachers without success. The young lady recommended by Dr. Nandain, was engaged by Wyndham Robertson before I reached here. None others unite the qualifications specified in your memorandum, without requiring a salary greatly beyond your limit. I have, however, set a good deal a machinery to work, which will in a short time put me in possession of a great deal of information on this subject, and enable me to provide you with a good teacher, at a reasonable price. My children are improving very much where they are at present, and I regret exceedingly the necessity of their removal. Sally, (his daughter,) has employed a Dolce Cantati, a Dolce Digetati, a Danseuse, a chirographist and a "*parlez vous Francais*" professor—that is, a singing mistress, a pianist, a dancing mistress, a teacher of penmanship and a teacher of the French language,—with her fine *he* and *she* professors, she enjoyed the g,eatest advantages, fullest opportunities for information in the branches taught by them, and I think she has shown a most commendable disposition to profit by them. She goes to work as if she expected to make her living by teaching.

Susan* is so absorbed with religion that I think she heeds little except a professor of Theology in the form of an antiquated spinster, who daily mounts the tripod, and delivers her oracles to Susan and other anxious and enquiring spirits. Susan, however, is "a gem of purest ray serene," and promises to be to her parents a source of just pride and heartfelt gratulation. I like her religious temper, but would be pained

*Col. Peyton's eldest daughter, afterwards Mrs. Jos. H. White.

to see her run wild with her youthful fervor and disfigure by fanaticism, what would otherwise be so beautiful.

I have purchased for my sisters, Ann, Mary and Lucy, three of the finest and prettiest breastpins to be found in the Northern cities, and such as are in vogue at present. They are jewels for a lifetime, being of the finest and best workmanship. I also send them a pencil and gold pen each. I will add to this my daguerreotype for my sister Susan, who honored me by requesting it. To you, I send your granddaughters grouped with their father. Susan is reading her favorite book, the Bible, to her attentive father and affectionate sister. The likeness of Sue is perfect. Sally's doesn't do her justice. Mine looks like an Othello. Give my love to all the family, and accept for yourself the love of yours.

Truly and affectionately,

W. M. PEYTON.

On the 3d of April, 1847, John H. Peyton died at Montgomery Hall in his 69th year, and it has been truly said that there was no one in his public and private relations who was more honored and beloved by those who knew him best. Among the numerous letters received on this occasion is the following. It alone has been preserved. It is from his brother, Col. Rowze Peyton, of Geneva, N. Y., to Col. John B. Baldwin:

Geneva, N. Y., April 15th, 1847,

My Dear Sir:

The receipt of your letter conveying the melancholy intelligence of the death of my much loved brother shocked me indescribably, notwithstanding his long illness and the helpless condition he was in when I left twelve months ago.

I then hoped he might be spared a few years, as, if not actively useful to himself, he could be, by his advice, exceedtngly so to his young and promising family. He was a most noble and generous man, a true man in every sense, and in heart and mind a great and good man, to whom I was ardently attached, and the thought that I shall never see him again in this world, causes a sorrow and sadness which may be imagined, bue cannot be described. I sympathize, from the bottom of my heart with his dear wife and children. It is a terrible loss to them, and I pray they may have stregnth to bear it with Christian fortitude, knowing that it is the fiat of the Sovereign Ruler of the Universe, who disposes of us as he will, and to whose will we should bow with humble submission. That this melancholy event may be sanctified to the salvation of each individual member of his family, and all connected with them, is the earnest prayer of, dear Baldwin,

Your sincere friend;

R. PEYTON.

MR. PEYTON'S RESIGNATION OF OFFICE OF ATTORNEY FOR THE COMMONWEALTH.

In our last paper, the appointment of Thomas J. Michie, Esq. to the office of Commonwealth's Attorney for Augnsta county, in the place of John H. Peyton, Esq., resigned, was announced. We now learn from a friend (having been absent from town at the time,) that upon returning into the hands of the court the office which he had so long and so ably and faithtully filled, *Mr. Peyton* delivered a short but pertinent and touching valedictory. He said it was just thirty-two years since he had been honored by the court with the ap-

pointment, that in casting his eyes along the bench, he recognized but a single magistrate* who was present on that occasion. He saw the sons, however, the relatives and friends of his former friends; and that alike from the fathers and the sons, he had received tokens of confidence which had greatly gratified him in the discharge of his duties during this long lapse of years. His great pnrpose had always been to protect the rights of the Commonwealth, and perform faithfully the duties of an officer of the court; and he thanked the court for their forbearance when he had erred, and for their uniform courtesy and kindness and the confidece they had ever shown him.

When *Mr. Peyton* cancluded his remarks so inadequately reported, *Lyttleton Waddell, Esq.*, a member of the court, presented the following minute, vhich was adopted by a unanimous vote, and ordered to be spread upon the records:

"AUGUSTA COUNTY COURT,
1st day of June term, 1844.

John H. Peyton, Esquire, who has acted as Commonwealth's Attorney in this county for thirty-two years, having on this day resigned the said office, the Justices of the county, in full session at their June term, do, with unanimous consent, express their high sense of Mr. Peyton's long and valuable services. They add a willing testimony to the distinguished ability, fidelity aud zeal, with which he has guarded the interests of the Commonwealth within the limits of the county—to his impartiality, prudence, and firmness as a public prosecutor, and to the commendable courtesy which has marked his intercourse with the Court, as becoming a public officer and a representative of the Commonwealth. And it

*L. Waddell, Sr.

is the will of the Court that this testimonial, as an additional tribute of respect, be spread upon the records."

Spectator, July 4, 1344.

Immediately after his resignation, the County Court, as the only honor yet in their power to confer, elected him a member of their body, and on several occasions, before his death, he presided in the Court where he had so long practiced.

Mr. Peyton was a member of the committee, appointed in 1843, to prepare an address to the people of Virginia, and aided in the preparation of that able and interesting document, but as it covers over fifty pages and may be found in the newspapers of the day, it is not necessary to insert it here, in order to make clear what were his political opinions. The committee was composed of B. W. Leigh, Robert W. Carter, James R. Hubard, Chas. J. Faulkner, Wyndham Robertson, Chapman Johnson, and John H. Peyton, and was said to have united more talent than any similar body ever raised in Virginia.

SKETCH OF JOHN HOWE PEYTON,

BY

COL. JOHN T. L. PRESTON, A. M., OF YALE, PROFESSOR OF MODERN LANGUAGES &C., IN THE V. M. INSTITUTE.

The late John H. Peyton, Esq., of Staunton, Va., was one of the finest specimens that we have ever known of the complete lawyer. During the prime of his life he pursued the profession with a laborious assiduity rarely equalled, and though as age advanced upon him he remitted his efforts, he

did not discontinue his practice until a short time before his death, [he took no new cases after his 60th year]. None of his contemporaries secured a more ample reward in either reputation or pecuniary emolument.

We have spoken of Mr. Peyton as a complete lawyer. Law as a practical profession, has several departments, and it is not unusual to see a lawyer distinguished in some of them, with a compensating deficiency in others. Some practitioners are successful collectors; some are much esteemed as judicious advisers in matters not strictly legal; some are designated good judges of law, or, in other words, safe connselors, and with some the *forte* is, Common law practice, while others are distinguished as Chancery lawyers. The organization of the courts in Virginia, and the nature of the business, at least in the interior, requires every lawyer to enter upon the whole of this miscellaneous practice; and it is not to be wondered at, that some, even good lawyers, are not equally strong in every part. Mr. Peyton knew every part of his profession thoroughly. He had studied diligently as a student, and had known the expectant struggles of the young practitioner; he had practised under the old system before the reorganization of the judiciary, and afterwards under the new; he had met in contest the strongest men in each department of the profession, and he had made himself a champion in all. We may add that some lawyers who exhibit the highest skill in securing the rights of their clients, are foolishly ignorant of their own; in other words they let slip the fair, well-earned profits of their profession. Not so with Mr. Peyton. He knew the value of his professional services, he gave them to the fullest extent to those who applied for them, and then he insisted upon just remuneration. We notice this point, not at random,

but to present a feature belonging to the character of the complete lawyer.

The characteristic of Mr. Peyton's life was efficiency. This efficiency had for its elements native vigor of intellect, great resolution of character and courageous self-confidence, ample and thorough acquirements and the quickness, precision and dexterity of action that belong only to those who have been taught by a varied experience to understand thoroughly human nature. In conversation, Mr. Peyton was ready, entertaining and instructive. But conversation was not his *forte*, though he was fond of it. He was not fluent. His manner was sometimes too direct for the highest style of polished social intercourse of a general nature, and besides he had a remarkable way of indulging in a strain of satirical banter, when his words would be so much at variance with the expression of his countenance, and particularly with the expression of his mouth, that the hearer was often in an uncomfortable state of uncertainty how to take him. His person was large and his bearing dignified, but not graceful. His manner was unaffected, but not without formality, nor was it perfectly conciliatory. Some styled him aristocratic, while none could deny that his self-respect and confident energy gave an imperious cast to his demeanor. We have oftener than once thnoght applicable to him, in a general way, those lines of Terence.

"Ellum, confidens, catus,
Cum faciem videas, videtur esse quantivis preti,
Rristis severitas inest in voltu, atque in verbis fides."

His voice was true and clear, and capable of sufficient variety, but without a single musical intonation, and a little sharper than you would expect to hear from a man of his size and form. If it is asked what is the style of his speaking, it may be replied, just what might be expected to be-

long to such a man as he has been described, that is to say, never was the speaker a more complete reflection of the man than in his case. We cannot believe that any one who knew him was ever surprised when thty heard him speak; what he said was just what they could expect him to say. This is often the case with speakers and writers, but not always. Energy, reality, and efficiency were his characteristics as a man, and equally so as a speaker. Distinctness of conception lay at the foundation of his excellence. Some great speakers, some even pre-eminently great speakers, not unfrequently hurl unforged thunderbolts. They feel the maddening impulse of the god, but give forth their utterance before the true prophetic fury comes on.

Mr. Peyton's mind was no sybils cave whence came forth wind-driven leaves inscribed with mighty thoughts disposed by chance, but a spacious castle, from whose wide open portal issued men at arms, orderly arrayed. He had hardly opened his case when the hearer was aware that he had thought over the whole of it, had given a course to pursue, and would close when he came to the end of it. This distinctness of conception comprehended the subject as a whole, and shed its light upon each detail belonging to it. This insured the most perfect method in all that he said. Before he began to speak he had determined in his own mind, not only the order of the different parts of his discourse, but also their relative importance in producing the general impression. Hence, he was never led away by the tempting character of any peculiar topic, to expatiate upon it unduly; he did not take up matter irrelevant to the case because it might touch him personally; he never spoke for those behind the bar, nor did he neglect to secure the fruits of victory in order to pursue an adversary to utter discomfiture. He spoke as a lawyer, he spoke for the

verdict, and expected to gain it by showing that he was entitled to it. Some speakers hope to accomplish their object by single, or at least, successive impulses—now a clinching argumentative question, now a burst of brilliant declamation, and now a piece of keen wit, or a rough personality. Such speakers forget, or do not know, that a jury may admire, may be diverted, and even moved, without being won. He that gains the verdict must mould, and sway, and lead, and this is to be effected by continued, persistent pressure, rather than by *tours de force*. This Mr. Peyton knew well and observed it with perfect self-command. His hearers came away satisfied with the whole, rather than treasuring up remarkable points and passages. Let it not be supposed, however, that he was a cold speaker, who treated men as mere intelleceual machines, to be set in motion by the pulleys, screws and levers of logic, far from it; he understood human nature well, and knew the motive power of the feelings; but then he knew, too, that the way to excite the most effective sympathy is not to make a loud outcry, but to make a forcible exhibition of real suffering—that the best way to rouse our indignation against fraud, deceit or oppression, is not to exhort us to hate it, but to show its hatefulness. One of his most distinguished contemporaries upon the same circuit was celebrated for his powers as a criminal advocate; his manner was obviously upon the pathetic order, perhaps a trifle too declamatory. We have seen them in the same cause, and have thought that if the eloquence of Gen. Briscoe G. Baldwin flushed the countenance quicker, the earnestness of Mr. Peyton stirred the heart deeper. Of the oratory of a class of speakers by no means rare (not, however, including in his class the distinguished jurist above alluded to,) it has been well said, "declamation roars while passion sleeps," of speaking justly char-

acterised by this line, Mr. Peyton's was the precise reverse. With him thought became passionate before the expression became glowing, as the wave swells before it crests itself with foam.

Mr. Peyton's language was forcible, pure and idiomatic. It served well as the vehicle of his thoughts, but contributed nothing to them, There is a real and legitimate advantage belonging to the masterly use of words, of which many great speakers know how to avail themselves. Mr. Peyton attempted nothing of the sort. His diction was thoroughly English, with a marked preference for the Anglo Saxon branch of the language, and his sentences came out in the most natural order with unusual clearness and vigor, but not unfrequently with a plainness that bordered upon homeliness. His style, however, was always that of speaking, as distinguished from mere conversation—a distinction which some of our modern speakers forgot, when in order to appear at their ease, they treat, with no little disregard, not only the rules of rhetoric, but the rules of grammar as well, and use words and phrases which are (to take a word from the vocabulary which we are condemning) nothing better than slang. On the contrary, there was in Mr. Peyton's style the fruit of early studies and high-bred associations, a classical tinge, extremely pleasant to the scholar, though not perhaps appreciable by those for whom he generally spoke. It must not be supposed from what has been said of his excellent method, that he resembled in this respect some of our able, but greatly tedious lawyers, who take up, in regular succession, every possible point in the case, however minute, and worry us by officiously offering help where none is needed. So far from it, he showed his consummate skill as well in what he omitted as in what he handled, and, as a general thing, his

speeches were shorter in duration, and yet fuller of matter than those of his opponent. His use of figurative language was easy and natural, and not stinted; but his figures were always introduced as illustrations and not as arguments. It is not unusual to meet with a speaker who is unable to enounce distinctly the general principles he wishes to use, throw out an illustration to enable himself to pick out the principle from it, or at least to give his hearers a chance to do it for themselves; not so with Mr. Peyton. He held up the torch of illustration, not to throw a light forward to guide himself in his own investigations, but to enable those following the more readily to tread the road along with him. He had a very noticeable fondness for recurring to the primary fundamental principles of morals, and doubtless he was restrained, by his practical judiciousness, from indulging this disposition to the full. One of his favorite books was Lord Bacon's essays, and under other circumstances he might himself have been a distinguished moral essayist.

As well may be supposed, his general vein was grave. The high idea he entertained of the dignity of his profession, and the earnestness with which he gave himself to it; alike precluded either levity or carelessness. However, he was fully able, quite ready upon occasion, to avail himself of a keen wit, that was all the more effective, because it was dry and sarcastic. It occurs to us to mention an instance, well known to his circuit, not illustrative of his severity, but of his pleasantry, in a criminal prosecution. He, as prosecuting attorney, was opposed by two gentlemen of ability, whose pathos had been so great as to draw abundant tears from their own eyes. One of them, a gentleman who has since filled a distinguished national position (Hon. A. H. H. Stuart, Secretary of the Interior of the United States, 1850-

53) was noted for the facility with he could cover over his brilliant eloquence with the liquid varnish of his tears. On this occasion he had beeh singularly lachrymose, and supported by his colleague, General, afterwards Judge Baldwin, in the same way, the sensation produced was very considerable. Mr. Peyton commenced his reply by regretting the disadvantage the Commonwealth labored under in being represented by him who was a very poor hand at crying, and certainly was not able to cry against two at a time. The ludicrousness of the expression completely neutralized the pathos of his opponents. He was not averse either to a bit of farce, now and then, as is shown by a story told of him. In a remote part of the circuit a lawyer wished to adorn a moving passage of a speech he was just rising to make, with an apposite example, and applied to Mr. Peyton, sitting beside him, to help him to the name of the man in the Bible who would have his pound of flesh. With imperturbable gravity, he answered Absalom! The effect of thus confounding Shakespeare and the Bible may be imagined.

We have said that Mr. Peyton was thoroughly furnished in every part of his profession; in one department his qualifications were peculiar and unsurpassed. Without disparagement to others, it may be said, we think, that he was the best Commonwealth's Attorney in the State of Virginia. He was the lawyer of the Commonwealth, and he treated the Commonwealth as a client, and he labored for her with the same industry, zeal and fidelity that he manifested in behalf of any other client. The oft-quoted merciful maxim of the common law, "better that ninety and nine guilty men should escape than one innocent man suffer," he interpreted as a caution to respect the rights of the innocent, and not as an injunction to clear the guilty, and he labored to reduce the percentage of

rogues unwhipt of justice, as low as possible. With a clearness and force rarely equaled would he point out the necessity of punishing the guilty in order that the innocent might be safe, thus exhibiting the absolute consistency of strict justice with true mercy. So simply and earnestly would he do this, that he not only bound the consciences of the jury, but also made them feel that they were individually interested in the faithful execution of the laws. Here his clear perception of the moral principles upon which rests the penal code, and his fondness for recurring to general principles, stood him in great stead. It was delightful to hear him expatiate upon this theme, for upon no other was he more truly eloquent.

Mr. Peyton served at different times in both branches of the Legislature, but we speak not of him as a politician. Our purpose has been solely to exhibit some of the qualities which made him an eminent member and ornament of the legal profession.

SKETCH OF JOHN HOWE PEYTON,

BY

WILLIAM FRAZIER, A. M., OF YALE.

"My personal acquaintance with Mr. Peyton," says Mr. Frazier in the History of Augusta County, "commenced in October, 1824, when I entered upon the practice of my professson at the Staunton bar. He was then, as I learn from his biography, in his fifty-seventh year, and from that circumstance only, it might be inferred he had passed his climatric. Certainly nothing in his physical appearance or his

forensic display betokened a decay of power, bodily or mentally.

Yet having amassed a handsome fortune, he established himself in a beautiful home, surrounded by a large and interesting family, and he felt himself entitled to some relaxation from the arduous demands of his profession—or at least from its drudgery. He, therefore, relegated to the younger members of the bar all minor causes, in the matter of taking depositions and the like vacation duties. But for ten years following the date of my introduction to him, there was hardly an important or celebrated cause tried at the Staunton bar, whether in the State Courts or the United States Courts, without the aid and illumination of his splendid intellect; whilst aiso in Albemarle, Rockbridge and Bath counties, he largely participated in the like weighty causes.

In the Supreme Court of Appeals of Virginia, his reputation throughout the State enlarged the theatre of his professional service much beyond that of his local circuit.

I wish it were in my power to give a just and discriminating analysis of his processes in the investigation and conduct of a great cause, or even a fair description of his style of forensic argument. This much may be safely said: that he seized, by apparent intuition, upon the strong and dominating points in a case, not infrequently finding those, or some of them, buried out of sight from a scrutiny less searching than his, beneath a mass of irrelevant or conflicting testimony.

Haviug thus entrenched himself in one, or a few strong positions, his array of the facts was so masterly, his presentation ot them so luminous, and his arguments from them so logical, that he rarely failed to carry the tribunal with him safely and irresistibly to his conclusions. Discarding thus

the minor points and less material phases of the cause from his examination and discussion, or dismissing them in a few rapid, searching sentences, his debate was conspicuous for its compactness and logical order. Accordingly, his speeches did not ordinarily exceed one hour, and even in the most complex and voluminous causes they rarely went beyond two hours. I can recall but one occasion in which he consumed nearly three hours. His style was fluent, but not of that fluency which comes of redundant words and phrases, for I have never listened to one so terse and vigorous. I think it can be said there was hardly a superfluous word, and every sentence bore upon the conclusion aimed at. It was, therefore, never a weariness to hear this great advocate, and the promiscuous audience followed his argument, his sarcasm or his invective, with as much apparent interest as did court and jury.

It has been written of him that he was equally versed and at home in every department of the profession (unless admiralty and maritime law be excepted) but I think it was as a common law lawyer that he excelled, and that it was in the common law he found his chief delight. He was perfectly conversant with the principles of the Feudal law and immemorial usages of England as expounded by Littleton, Coke, Bacon, and all the fathers and great interpretors of English jurisprudence.

Having come to the Bar while special pleading was yet a legal science and carefully practiced system, and before popular and not too well informed legislatures sought to "simplify" the practice of the law by Statutes of Jeofails, he was, without doubt, one of the most practiced and expert special pleaders of his time. His naturally astute and logical mind, finding its expression through the channels of a terse and lu-

minous style, caused his pleadings in all their stages to be master pieces of art.

His fame as a prosecutor of the pleas of the Commonwealth has never been surpassed, if equaled, in Virgiuia. On this field he achieved triumphs of the most brilliant kind. His pride in his profession, and the great principles of right and justice underlying it, no less his inborn contempt for chicanery and fraud, not to speak of crime in its grosser forms, combined to make him a terror to evil doers. Some critics, even among the profession, sometimes were disposed to censure him as too harsh and unrelenting towards the prisoner at the bar, but if every circuit throughout our land possessed at this day so able, fearless and conscientious a prosecutor as did the Augusta and the surrounding circuit at that happier day in our history, perhaps we might find less cause to deplore the depreciation of the public morals, which so painfully invest the present era.

It would be a halting and very defective sketch of this eminent jurist which failed to speak of his striking originality. Negatively speaking, there were little or no commonplace and hum-drum in his forensic arguments, his debates in the Senate or his addresses from the hustings to his constituents. In a positive sense, his speeches, at least on great occasions, and when his powers were thoroughly roused, rarely failed to be marked by some flash of genius. I recall a conversation just after the close of a protracted and laborious term of the Augusta Circuit Court, in which the late Judge Lucas P. Thompson and Gen. Briscoe G. Baldwin bore the leading parts. The last named was paying generous tribute to Mr. Peyton's force and originality. Judge Thompson remarked, that he had never seen Mr. Peyton go through a cause, deeply interesting and moving him, in which he did

not utter some view or sentiment illuminated by genius, or, at the least, some illustration marked by a bold originality, and he instanced two causes, tried at the late term, one a civil suit and a very heavy will case, in which he made a novel and searching application of a familiar fable of Æsop. I forbear to give its details, because both the critic and his subject have passed from earth.

In the same cause, three signatnres were to be identified and proved, that of the testator and also of the two attesting witnesses, all three having died since their attestation. Many witnesses were called to prove the gehuineness of the three names. Opposing counsel sought to badger the witnesses, by urging them to specify what peculiar marks there were in the handwriting and signatures, whereby they could speak positively as to their identity and genuineness. This, ot course, for the most part they could not do, and in the argument of the cause before the jury, the same counsel strove to throw discredit and contempt upon those witnesses (all men of good character) for their failure and inability so to describe the quality and the peculiar marks and the calligraphy of the signers as to show they were familiar with their handwriting. In his reply to those sallies of his opponents, Mr. Peyton swept away the whole airy fabric by a single happy illustration:

'Gentlemen,' he said, 'you have often been assembled in crowds upon some public or festive occasion. Your hats have been thrown pell-mell in a mass with perhaps a hundred other hats, all having a general resemblance. Suppose you had attempted to describe your hat to a friend or servant, so that he might go and pick it out for you. It has as many points for description as a written signature—its color, height of crown, width of band, lining, &c. Do you think that a friend

or servant could, by any possibility, have picked out your hat for you? And yet when you went yourself, the moment your eye would light upon it, you instantly recognize it among a hundred or five hundred hats. Familiarity with it has stamped its picture on your mind, and the moment you see it, the hat fills and fits the picture in your mind, as perfectly as the same hat fits your head.'

The jury were evidently won, and gave full credence to the ridiculed witnesses.

The other instance during the same term (cited by Judge Thompson,) occurred in the celebrated prosecution of Naaman Roberts for forgery—in forging the name of Col. Adam Dickinson to a bond for $600.00.

The body of the bond was confessedly the handwriting of the prisoner at the bar. That was admitted. The signature was a tolerably successful attempt at imitating the peculiar handwriting of Adam Dickinson. But no expert could look at the whole paper and fail to see a general resemblance between the body of the instrument and the signature, raising a strong conviction in the mind that both proceeded from the same hand.

The defense strongly insisted upon excluding the body of the instrument from the view of the witness, by covering it with paper or turning it down, and so confining the view to the signature only—upon the familiar doctrine of the law of evidence forbidding a comparison of various handwritings of the party as a ground for an opinion upon the identity, or genuineness of the disputed writing. And this point was ably and elaborately argued by the prisoner's counsel.

The learned prosecutor met it thus:

'Gentlemen, this is one entire instrument, not two or more brought into comparison. Let me ask each one of you,

when you meet your friend, or when you meet a stranger, in seeking to identify him, what do you look at? Not his nose, though that is the most prominent feature of the human face; not at his mouth, his chin, his cheek; no, you look him straight in the eye, so aptly called 'the window of the soul,' you look him in the eye, but at the same time you see his whole face. Now put a mask on that face, leaving only the eyes visible, as the learned counsel would have you mask the face of this bond, leaving to your view only the fatal signature. If that human face, so masked, was the face of your bosom friend, could you for a moment identify him, even though permitted to look in at those windows of his soul? No; he would be as strange to you as this accursed bond has ever been strange to that worthy gentleman, Col. Adam Dickinson, but a glance at whose face traces the guilty authorship direct to the prisoner at the bar.'

This most striking illustration seemed to thrill the whole audience, as it virtually carried the jury.

Mr. Peyton never was a politician. His taste and predilliction lay not in that direction. But no man was better informed of the course of public affairs, or had a keener insight into the character or motives of public men. Once, and so far as I knew, once only, did he participate in the debates of a Presidential canvass. It was the memorable one of 1840, and the speech was delivered from the Albemarle hustings. His analysis of the political character of Martin VanBuren, and his delineation of his public career from his desertion of DeWitt Clinton, down to his obsequious ingratiation with Andrew Jackson, was incisive and masterly and all the more powerful and impressive because pronounced in a judicial rather than a partisan temper. Competent judges, long familiar with the very able harangues and debates on that

rostrum, declared it one of the ablest that had been listened to by any Albemarle audience.

Of his services in the Virginia Senate, I need only say, what every one would naturally expect, they were most valuable from their enlightened conservatism in the prevention of crude and vicious legislation. In the last session of his first term in the Senate, a vigorous effort was made for the passage of a stay-law rather than an increase of taxation.

It hardly needs to be said that he opposed the former and sustained the latter measure with all the vigor of his honest and manly nature. Nor could he ever have looked with any patience upon that brood of enactments since his day—the stay of executions, homestead exemptions, limitations upon sales of property, *et id omne genus*, professedly passed in the interest of the poor and the laboring man, yet in fact more detrimental to that class than any other, and most damaging to the State abroad.

Let me say, in conclusion, that the person and figure of Mr. Peyton were fine and commanding. His carriage was always erect, his head well poised on his shoulders, while his ample chest gave token of great vitality. On rising to address court or jury, there was something more than commonly impressive in his personal presence and whether clad in 'Virginia home-spun,' or English blue broadcloth with gold buttons, (and I have often seen him in both), whenever you saw him button his coat across his breast and slowly raise his spectacles to rest them on the lofty crown, you might confidently expect an intellectual treat of no mean order.

There never was a broader contrast presented in the same person than that between Howe Peyton, the lawyer, the public prosecutor, or even the Senatorial candidate

amongst the people, and the same individual in his own home. Here in the midst of his family, or surrounded by friends, the rigor of his manner relaxed, and he was the model of an affectionate husband and father, and the most genial of companions. He was 'given to hospitality,' and there was no mansion in all this favored region where it was more generously and elegantly dispensed, through many years, than at 'Montgomery Hall.' "

SKETCH OF JOHN HOWE PEYTON,

BY

JUDGE JOHN H. MCCUE, B. L, UNIVERSITY OF VIRGINIA.

One of the truest tests of the greatness of a man is very often the impression, I think, which, without intending, he makes upon the minds of the young with whom he may come in contact. There are few of us who do not remember having met, in our earlier days, with men whose presence filled us with respect and awe, before even, perhaps, we had learned their names and reputations, and who, in after years, seemed to stand out from amid our youthful recollections, apart and distinct from the memories of other men—men who, unconsciously, stamp their individuality not only upon our minds, but who often serve, though we may not perceive it, as models upon which our own conduct is, or ought to be, moulded, and the impress of whose attributes and virtues serve as standards by which we judge of other men. The impressions I have of John Howe Peyton are those which I formed when a youth, but they were such as to stamp him, not only as an able and good man, but as a great man in the truest

acceptation of the term. When a boy at the school at Waynesboro, Augusta county, of the Rev. James C. Wilson, D. D., a famous criminal trial was progressing in the Circuit Superior Court at Staunton. Mr. Peyton was the prosecutor, and was regarded as the ablest prosecuting attorney then, or who had ever been, in the Commonwealth of Virginia. Everybody was talking of this trial, in which, for various reasons, not necessary to be here detailed, the community was deeply interested. Shortly after, as I remember, I saw standing, in the porch of the hotel at Waynesboro, a gentleman of splendid form, broad shoulders and extended chest, with a magnificent head which was carried erect, and which might be aptly compared to that of Daniel Webster. His eyes were large and bright, his features straight, finely chiseled, forming a face of Grecian lineaments and expression. I did not then know who he was. The idea formed on my youthful mind was that he must be a great and famous man. I inquired respecting him, and was told that he was Mr. Howe Peyton, the famous lawyer and prosecutor. I had often heard my father speak of Mr. Peyton as one of the great lawyers of Virginia, then having her Johnson, Wickham, Tazewell, Baldwin, Sheffey, Wirt, Leigh, Tucker, Stannard, and other eminent men, who were his contemporaries. I had never seen Mr. Peyton until now. There was something, however, in the noble and dignified appearance and bearing of the man now standing before me, that at once arrested attention and impressed the beholder. The opinion formed by me of his greatness was afterwards, upon a better acquaintance, fully justified.

I knew little of Mr. Peyton personally until after I entered the University of Virginia, with his son, John Lewis Peyton, in 1842, both of us members of the law class under

the late Henry St. George Tucker. Mr. Peyton, at that time Commonwealth's Attorney for Albemarle, and the other counties composing the circuit of Judge Thompson, when in Charlottesville attending the court, sojourned at the residence of his brother-in-law, John Cochran, Esq., now (1879) surviving in his 86th year. Upon these occasions, at his request, his son and myself spent much time with him. Mr. Peyton manifested a deep interest, naturally, in the progress of his son, and in my own, because of his warm and intimate friendship for my father. It was during the frequent conversations which it pleased him to hold with us, that I learned to appreciate the great powers of his mind, not perhaps as to its capacity, but more especially as to the wonderful faculty he possessed of simplifying and rendering clear the most abstruse subjects. And in this perhaps, as much as in anything else, lay the secret of his success as a lawyer. He could take, for instance, the most difficult point of law, and in a few well chosen, pithy sentences, place it clearly and forcibly before the minds of his hearers. As an illustration, I remember, shortly after we had commenced the study of law in the junior department, he made special inquiry as to our progress, examined us upon what we had gone over, and inquired the subject of our next lecture. We replied that it was "Uses and Trusts," frankly confessing that although we had read the text, we still felt ignorant of the subject. He then said, 'Listen to me boys;' and went into a dissertation upon the intricate and difficult subject, and in a conversation of perhaps two hours, gave us a history, accurate in chronology, minute in detail, profound and clear, as an exposition of the whole science, and this without reference to book or note, thus indicating the profoundest learning, and rendering the subject so clear to our minds that when we went to the review

the whole field seemed to be laid open before us. In this simple way he demonstrated not only his power before courts and juries, but likewise the rare ability he possessed to impart to others, in the clearest and most comprehensive manner, what he knew and what had heretofore seemed to them insuperably difficult.

It was one of the noticeable traits of his character that he was ever anxious to impart information and knowledge to the young, to encourage and advance them. He rarely lost an opportunity of instructing, and this, in such an easy, unaffected, conversational style that it both captivated and instructed the mind. In the many conversations with his son and myself, during this, and the next succeeding term at the University, seemed to be his constant desire to communicate to us a historic and philosophic knowledge, and to lead us insensibly into the deep delights of history and literature. In this connection, I must say that after a longer and more extended acquaintance with Mr. Peyton I learned to regard him as a man of the profoundest learning, not only in the great principles and science of the common law, but also in general history and literature; and he expressed himself with more precision, condensation, vigor, and beauty of language than any man I have ever known. I never heard Mr. Peyton speak at the bar or on the hustings. From what I know, and have heard of him, his conception of a great subject and mode of expression were as clear, distinct and demonstrative as that of Edmund Burke. Judge Tucker who had known him intimately for over forty years, once said to me: "I regard Mr. Peyton as one of the profoundest and most learned of lawyers." During one of my summer vacations I visited his son John L. Peyton at Montgomery Hall. I had formed an intimate friendship with him which yet continues. On this visit I was a witness and subject of the splen-

did hospitality of Mr. Peyton and his amiable and accomplished wife. One morning shortly after sun rise John Lewis Peyton and myself leaving our chamber, strolled into the park-like grounds admiring the venerable and wide-spreading oaks and beautiful scenery. On the porch in front of his office which contained his law and miscellaneous library was the dignified figure of Mr. Peyton seated in his accustomed arm chair, book in hand and a long pipe in his mouth. (He was much addicted to the Virginia weed.) On our approach he rose, and politely exchanging with us the morning salutations, bade us be seated. He then said: "I am looking over, for a second time, the first volume of Allison's History of Europe. Though it has faults of style, and is marred by political prejudices, it is the most remarkable historical work of the country."

The book was closed, his finger between the leaves. In this attitude he proceeded, as was a habit with him, upon a disquisition upon the value and importance of historical study. "It instructed," said he, "the young whose destiny it might be, in time to guard the rights or secure the welfare of the community." He declared in general terms that the object of history, the great object, was to make men wiser in themselves and better members of society. By recalling the past it opened up a wider field for observation and reflection than any personal experience could do, and thus prepared a man to act and advise in present contingencies. He continued in this vein for a half hour, illustrating his views by reference to ancient, medieval, and modern history, displaying a sound ness of view, and extent of research, a manliness of principle, an accuracy of learning, and a vigor of style surpassing anything I have ever heard.

There have been few truly great men who were not noted

for their courtesy and hospitality. Both of these traits Mr. Peyton possessed in a high degree. His manner to his son and myself was most courteous and ever of such a nature as to impress us with the idea, if possible, that we were men entering upon the great theatre of life, with the prospect before us of attaining eminence in our profession, of rendering ourselves useful to the State, and of service to society. There was something in the appearance and manner of the man, when you first come into his presence and under his influence, before he had uttered anything more than the ordinary salutations, that convinced you at once that you were in no ordinary presence, and upon closer intimacy, that you felt that you were under the influence and power of *a great man; a master spirit.* In public, in his intercourse with men generally as I have seen him, there was a hauteur, a dignity and ever a majesty that repelled rather than attracted men. At his own fireside, that feeling was entirely dispelled, and the boy even was drawn to him, listened to and talked to him, as though he were his equal. Such were the warm sympathies, tender feelings, the affectionate nature of this, to the world, reserved and haughty man.

Mr. Peyton, as a legislator and Senator, representing Rockbridge and Augusta, made his mark as one of the leading Statesmen of Virginia, stamping his genius and learning upon the statute laws of the State, establishing for himself such a reputation as would have placed him, had he been a member of the Senate of the United States by the side of Webster, Clay, and Calhoun. But his love for home and family, devotion to his profession, and natural fondness for rural pursuits, suppressed all desire for public life and extended reputation. He was fond of horses, dogs, and the occupations of the country gentleman. Had he desired and entered pub-

lic life, his reputation would have been national, and he, a noted character in history. It is well here to say, that Mr. Peyton had been thoroughly trained, not only in classical and mathematical schools of the country in early youth, but was also a graduate, with the degree of Master of Arts, of Princeton College, where his great abilities were early and fully manifested and recognized by the erudite and eminent men under whose charge that institution of learning was then conducted.

Mr. Peyton—then a young man—was a member of the lower house of the Legislature of Virginia in 1808, 1809 and 1810, from the county of Stafford, and wrote and offered a series of resolutions, as chairman of a committee, raised upon certain resolutions adopted by the Legislature of the State of Pennsylvania, and communicated by the Governor of that State to Governor Tyler (afterwards President of the United States) with reference to an amendment to the Constitution, so as to prevent a collision between the State Governments, and the Government of the Union, as to their judicial departments, which preamble and resolutions, drawn by Mr. Peyton, were adopted unanimously by both branches of the Legislature. This important State paper can be seen in the Works of Daniel Webster, vol. III., pages 352, 353, and 354. So able and important were these resolutions at the time, as to attract the attention of the leading Statesmen of the country, and guide the other States in the adoption of similar resolutions, thus overthrowing the effort of Pennsylvania to establish a separate and distinct judicial department as arbiter between the Federal and State Governments.

In the great discussion between Daniel Webster and General Hayne, of South Carolina, Mr. Webster, in his second speech in reply to Mr. Hayne, referred to and quoted the

preamble and resolution spoken of, as conclusive of that question as to admit of no further discussion.

Mr. Webster was so much struck with Mr. Peyton's resolutions, that he wished to know something of their author. Meeting Daniel Sheffey, long one of the representatives in the Lower House of Congress from Virginia, the following conversation, in substance, occurred. Mr. W. asked:

"Do you know a gentleman in Virginia by the name of Peyton, the author of some resolutions in the House of Delegates in 1810, on the subject of a conflict between the government of the Union and the State governments."

"Yes," replied Mr. Sheffey, "he lives in Staunton, and is the leader of the bar in the circuit."

"I am not suprised to learn it'," rejoined Mr. Webster.

"Is he a speaker," said Mr. Webster.

"Not in a popular sense," replied Sheffey. "He is not a florid speaker, indulges in no meretricious display of rhetoric, but thoroughly armed in the strength of his knowledge, research and cultivated ability, without any effort to display it, he possesses gigantic power, and by it he has risen to the head of the profession. And he is not only a great, but a good man."

"It is a misfortune to your people and the country that such a man should not have been sent to Washington long ago," said Mr. Webster. "He would have maintained Virginia's proud intellectual supremacy, and by the soundness of his views enhanced her influence."*

At the death of Judge Stuart, in 1830, the vacancy occasioned by the death of that jurist, Lucas P. Thompson, of

*In 1851-52, Mr. Webster then Secretary of State, dispatched his son, John Lewis Peyton, to Europe and expressed a wish to have him permanently in the diplomatic service.

Amherst county, then a young man who had distinguished himself in the Constitutional Convention of 1829 and 1830, became a candidate for the office of Judge. Mr. Peyton was brought forward by his friends. Thompson had made himself popular on the basis question, and was regarded as one of the most rising young men of his contemporaries. He was the junior of Mr. Peyton. My father, at that time, was a member of the House of Delegates from Augusta county. The contest for Judge came off. My father, the ardent advocate of Mr. Peyton, was sustained in his opinion of him by some of the ablest jurists of Virginia, amongst them was Benjamin Watkins Leigh, who said to him that "Mr. Peyton was the greatest lawyer west of the Blue Ridge." The then Senator from this district, a personal enemy, without cause, however, of Mr. Peyton, exerted all his popularity and power in favor of Mr. Thompson, and on his election, said that he had accomplished a long cherished wish, that of defeating an ambition of Mr. Peyton. But he signally failed. It is well known that Mr. Peyton did not wish the office of Judge, much preferred to retain the greatly more lucrative and equally honorable situation of public prosecutor, as in the interest of a large and growing family.

Major James Garland, now Judge of the Hustings Court of Lynchburg, himself a great lawyer and statesman, about the time I went to the bar of Nelson county, said in a conversation with me: "I was a member of the Legislature that elected Thompson. But for the course of the Senator from Augusta and Rockbridge, your father would have succeeded in the election of John Howe Peyton, than whom there is no greater lawyer in the Commonwealth."

Mr. Frazier has so well described him as a common law lawyer and the most eminent prosecutor that Virginia has ever

had, that I forbear to say anything further with reference to that matter. That is a part of the history of the jurisprudence of this State. I will add, that I have seen his Coke Littleton, (studied by him as a student of law,) with the marginal pages filled with annotations and references, indicating the application and devotion he felt for his profession. I am told that he had a grim way of preventing such as had not the ability from entering into the profession of the law. In his library there was a rare old edition of Littleton on Tenures. He considered this book as the basis of the laws of real property in England, and he thought that it should be first read without Coke's Commentary. When a young man desired to study law under him, whom he knew to have no capacity to succeed, he placed this work in his hands, asking him to read it again and again, and strive to understand it without recourse to the Commentary, and return for examination after a fortnight's or three weeks' perusal, of such part as he had mastered. It rarely happened that the young man did not hand him back the book, at the end of a short time, announcing his purpose of seeking a livelihood in some other field. Thus he was instrumental in keeping some from the profession, who, by entering into the law, would have derived no profit to themselves, nor reflect credit upon the profession. And on thl other hand, when he discovered merit in a young man, no one was more prompt, active and generous in encouraging it.

His conversation with his son and myself above referred to, on Uses and Trusts, exemplified the fact that he had not forgotten, in his maturer what he had learned in his younger years. I have been told that Mr. Peyton had acquired the habit of reading, or at least looking over, Blackstone once a year, and it was rarely the case that he referred to prece-

dents and decisions of the courts, which has become the bane of the profession of this day, but for authority he went down to the deep foundations of the law, treating and regarding it as a fixed and accurate science, not depending upon the opinion of this jurist or that, and thus arriving at just conclusions alike convincing to judge and jury. There have been many men whom the accident of applause or fortune have made great, but few who were great in themselves. Amongst the latter, Mr. Peyton stands in the front rank. As a man, he was true, noble and generous; despising the low, vulgar and ignoble, and valuing only the pure and elevated; by genuine courtesy and kindness, he won all hearts, and by stern integrity he retained the golden opinions he gained. As a father and husband, he was active and earnest in his endeavors to fill the prt of a true man: as a lawyer he stood second to none, and by the breadth of his learning and knowledge, his clear and comprehensive manner, and his earnest and determined performance of duty as a public prosecutor, he has won a position such as few lawyers have ever attained. As a statesman, the high praise which his generation gave him, the deep respect in which he was held by the eminent men of his time, and the undying record which history bears to his genius and achievements, mark him as one of the great men of Virginia, who may be proud of her son, while she can justly regret that he should have sought privacy and retirement, in preference to national glory. Modest, sincere, learned and determined, Virginia has had few to equal—none to surpass him. In the past, he moulded and controlled the opinions and actions of the times, so in the future may he ever serve as a model for the true and the good, and prove an incenive to the ambitious. May the young learn to emulate his life and example, while the old revere and respect his memory.

SKETCH OF JOHN HOWE PEYTON,

BY

JOSEPH ADDISON WADDELL, B. L. OF W. & L. UNIVERSITY.

From my earliest recollection, I was familiar with the personal appearance of Mr. Peyton. His figure was too distinguished to pass unobserved by even the youngest children in the streets of Staunton. He was tall, erect and portly; his head set gracefully on his shoulders; his garments always appeared to fit well, and exactly corresponded with his age and station; so that altogether, in his person, he came nearer my ideal of gentlemanly elegance than any one I have ever known.

Mr. Peyton discontinued the practice of his profession before I was capable of forming an independent and intelligent estimate of his ability as a lawyer. During my boyhood I frequently heard him speak in the Court-house; but I was then unable to appreciate forensic efforts. From the attention and the deference to his utterances shown by the citizens generally. I had no doubt that he was a legal oracle. According to my recollection of him, he never attempted flights of eloquence. There was nothing, I believe, flowing or ornate in his style. He used no "big words," but in the plainest language spoke directly to the question at issue, making himself understood by the most illiterate juryman; and whatever the verdict, he never failed to excite admiration for his ability and the dignity of his deportment. He was often eloquent, in the highest and best sense of that word. While I was a boy I heard an intelligent citizen endeavoring to repeat a part of one of Mr. Peyton's recent speeches, which he seemed to admire very much, commenting at the same time upon the

simplicity of the phraseology and the absence of all mere rhetorical display.

My impression of Mr. Peyton's talents is derived chiefly from my father's estimate of him. My father, although a physician, was fond of discussions at the bar, and during the sessions of the courts spent most of his leisure time at the court house. He considered Mr. Peyton a great lawyer, and a man of great intellect. Although fastidious in his taste and a severe critic, I never heard him speak otherwise than in terms of respect and admiration of Mr. Peyton's efforts.

I well remember the scene in the old county court, when Mr. Peyton formally retired from the bar. That tribunal was one of the most beneficent institutions which we inherited from our mother country. The body was self-perpetuating and very careful to maintain its respectability in the election of new members. To be a member of the Bench under that system, was generally conclusive of the fact that the individual was worthy of and enjoyed the confidence and respect of the community. The Justices were not professional lawyers, and depended greatly upon the attorney for the commonwealth for advice and assistance in Court. Mr. Peyton was for many years Commonweath's Attorney for the County Court of Augusta, as he was also for the Circuit Superior Court. When he resigned his office in the former Court, the assembled Justices were visibly affected. They adopted resolutions expressive of their appreciation of his ability, uprightness and uniform and marked courtesy to the Court. He doubtless always exhibited the same respect for the County Court of Augusta, composed of his familiar friends and neighbors, professionally unlearned as they were, as he ever did for the Judges of the Supreme Courts of Virginia or the United States. The Justices were unwilling to give him

up, however, and as the next best thing to having him as their legal adviser, they elected him a member of their own body. He accepted the office in the spirit in which it was tendered, and I remember to have seen him on one or more occasions afterwards sitting on the County Court bench with the other Justices.

While I have disclaimed any competency to speak of my own judgement, of Mr. Peyton as a lawyer, I had the pleasure of knowing him personally as intimately as a boy and youth could know a gentleman of his age and position. My father was his physician for many years before his death, and his confidential friend. I have heard it said of Mr. Peyton, and I believe truly, that if he liked a man he liked everything belonging to him—his children and even his dogs. Liking and trusting my father, he seemed to extend the same feeling to me. While I was still a small boy, he found me out, and wherever he met me would familiarly accost me by name. I remember to have encountered him on one occasion on the highway leading from town to Montgomery Hall; he could not let me pass without special notice. He stopped me on the spot and detained me for a considerable time in conversation. He was exceedingly fond of a good joke and his style of conversation was often sportive. On the occasion referred to, there was something in his manner or expression suggestive of mirth and I was suspicious that he was amusing himself a little at my expense; yet I parted from him with a feeling of elation at enjoying the familiar acquaintance of such a man. He appeared to act habitually in the spirit of Lord Bacon's saying in his 52nd essay "amongst a man's inferiors one shall be sure of reverence, and therefore it is good a little to be familiar." His witticisms and sarcasms were keenly relished by my father, who rarely returned from a visit to him without

having something of the kind to report. He had no toleration for dishonesty, impudence or sham. To people whom he considered honest and well behaved, however, ignorant or lowly, he always felt and acted kindly, but from others, whom he thought unworthy, he could not conceal his disapprobation. He was not in the habit of giving utterance to censorious or unfriendly remarks about persons, and I am sure I never heard him speak unkindly of any one. He was eminently a just man in all his dealings with his fellow men. Requiring from others what was his due, he most scrupulously gave to every man whatever belonged to him, as far as he could. *Suum quipue tributo* is one of the few maxiums of Rudiman which I remember, and it after occurred to me in connection with Mr. Peyton. I early learned to regard him as the personification of justice. While Mr. Peyton was living I heard my father eulogize this trait in his character.

I have no recollection of having been in Mr. Peyton's law office while he occupied it, but towards the close of his life, I often met him in his home. His manner then to me and other guests was all that could have been desired. He was not reserved and distant on the one hand, nor on the other did he embarrass by excessive attentions. Recognizing the presence of each visitor and extending a cheerful greeting, he made all feel welcome. His hospitality was proverbial. Possessed of ample wealth, he admitted a large number of persons to participate in it around his family table. Upon principle, he discountenanced wastefulness, but he used his money with an enlightened liberality, freely expending it for all useful and proper purposes, and contributing bountifully to all public enterprises.

I have understood that Mr. Peyton had for many years kept by him a last will and testament written by his own

hand. But about a year before his death, when he was physically unable to write, except to sign his name, owing to some changes in his family or estate, he desired to execute a new instrument. It was necessary for him to obtain the assistance of a friend, and my father was called upon to aid him. On returning from Mr. Peyton's, one day in the latter part of April, 1846, my father handed to me a voluminous manuscript in his hand-writing, blotted and interlined, accompanied by a request from Mr. Peyton that I would make a pair copy of it by a particular day, when the latter proposed to come to town and append his signature before witnesses. The copy was duly made and on the appointed day Mr. Peyton came to my father's house. He selected as additional witnesses, Messrs. George M. Cochran and Benjamin Crawford, and I was dispatched to request the attenance of those gentlemen. While I was unwilling to appear obtrusive by remaining in the room uninvited, the scene interested me so deeply, that I could not go away entirely. Withdrawing into an adjoiniug apartment, I heard all the preliminary conversation, whieh I felt sure Mr. Peyton would not object to. He explained the provisions of the will, as far as he thought necessary, and appeared anxious to satisfy his friends present of the justice and propriety of his course. Amongst other matters, he referred to the noble sorrel horse which he had ridden for seven years, and expressed a desire that the animal should be well cared for. When about to sign his name, he discovered my absence, and hearing him call for me I returned to the room, and in obedience to his wishes subscribed my name as a witness.

This scene greatly impressed me at the time, and has often recurred to me as one of the most interesting of my life. It was like the performance of an imposing drama. Mr.

Peyton, of course, was the prominent figure and chief speaker; his bodily powers impaired, but his intellect as vigorous as ever; his presence dignified and commanding; his conversation flowing and sparkling like a stream of water in the sunshine, while there was something more in the tone of his voice, in his manner and the expression of his countenance, by me indescribable, which greatly interested and almost charmed me.

Mr. Peyton was always, as far as I know, a firm believer in the Bible and the great doctrines of the Christian religion. He was decided in his preference for the Episcopal Church, in whose communion he died, but he never was accused of bigotry. On the contrary, he respected and supported all good men of whatever denomination, and required no one to renounce his shibboleth, or to subscribe to his creed.

The foregoing is a very imperfect sketch of one whom I greatly revered; whom I found in all my intercourse with him, according to my ability to judge, a most polished gentleman; and whose kindly treatment of me during my boyhood and early youth, inspired me with feelings towards him akin to those of filial affection.

D. S. YOUNG'S IMPRESSIONS OF JOHN HOWE PEYTON.

To Col. John Lewis Peyton:

Dear Sir:—Arising from a laudable motive, that of respect and veneration for the memory of your late father, John H. Peyton, and the fact that I was intimately acquainted and associated with him for a number of years before his death, I

take pleasure in complying with your request and write out my recolections of him. Your request recalls memories of the past, and I underiake the task—a pleasing one to me—but with the regret that I feel incompetent to perform it in a manner satisfactory to those for whom it is intended.

Men have their entrances and exits, each playing his part, and it has been truly said their works do follow them. This should be so. The works of a bad man should be held up as a beacon to warn off those who follow from the rock upon which he split and went down, whilst the work of the good man should be held up as a bright and shining litght to illuminate the difficult and rugged paths of those who iollow after. We all have faults, at least foibles, and it may be too often the case in the weakness of human nature that even slight faults and foibles are held in remembrance, whilst the good qualities are permitted to go down and slumber in the grave. Mr. Peyton would not have been human if without fault or foible, yet I recall none—none that could not be covered with the smallest mantle of charity.

Without falling at least into the modern idea of universal equality, I undertake to say that Mr. Peyton was possessed of gifts and acquirements that made him the equal of any man. In physical developments he was quite a model, considerably over the average height of his fellow-men, well proportioned, with broad chest, and massive head, his personal appearance struck the most casual observer, who but eyed him, as one of nature's noblemen.

Mr. Peyton belonged rather to the generation that has gone before that of the writer, consequently Mr. Peyton was fully up to, if not beyond the meridian of life, when I became acquainted with him, which acquaintance commenced about the year 1827 and became intimate about 1839,

and so continued until his death, which occurred in April, 1847. I therefore, had no personal knowledge of Mr. Peyton's early history, of his opportunities, education, &c. Judging, however, from his superstructure the foundation must have been deep and well laid. His information was not confined to one particular thing, his mind was well balanced and powerful. Success was his in anything on which he concentrated his powers. Having made the law his principal study and profession, and believing that the best road to succes, in life was in one pursuit, he stuck to it until far advanced in life. I hazard nothing when I express the opinion that there was a time in Mr. Peyton's life, when with less push than other men who rose to distinction, had he given up the forum for the rostrum, the light that he would have shed would have gone forth over the land.

Mr. Peyton was by universal consent a lawyer from the commencement down to the latest statutes. As a counsellor he was always ready to answer touching any legal questions; as a speaker at the bar, always pointed and direct, confining himself directly to the points at issue. His manner was lofty, his gestures graceful; he hardly ever indulged his fancy, or attempted oratorical displays; never spread too much sail for his ballast, but just enough to keep him in the direct line of argument. His speeches were made to and for the court and jury, and not for outside consumption and comment. As a high compliment to Mr. Peyton, when a young man he received from the late Judge Archibald Stuart, the appointment of Attorney for the Commonwealth for all the counties composing the judge's circuit. The judge knew too much of mankind to confer such an appointment on one incompetent or unworthy of the important position. In this

the venerable judge was not disappointed. The earliest recollections of the writer are associated with seeing the venerable judge and his fine looking Attorney for the Commonwealth, passing the public roads from court to court, commanding the respect of all good citizens, but a terror to evil doers.

Mr. Peyton was continued in the office of Attorney for the Commonwealth after the death of Judge Stuart by appointment from the late Judge Lucas P. Thompson. He also held the same appointment for the County Court of Augusta, and continued to hold both until 1839, when he was elected to represent the counties of Augusta and Rockbridge in the Senate of Virginia, which position he held until he was overtaken with sickness, from which there could be expected no recovery, when he gave up his position and retired to his home, Montgomery Hall, where he died, as before stated, April, 1847.

As a husband and father, no man better stood up to his obligations. Having married a second time when somewhat advanced in life, he became the father of a large family of children. Seeing, as he did, that in the ordinary course of nature, he must leave a number of his children of tender years, ample provision for them was a matter of great solicitude. In this he was successful—he left them in comfortable circumstances.

In his dealing with his fellow-man, Mr. Peyton was scrupulously honest. The word honest might express everything. Mr. Peyton was exact in discharging his obligations, and men who practice upon that idea with reference to their obligations generally expect others to do likewise. He required nothing that was not clearly right, and he was not the man to tamely submit to a violation of his rights. His hospitality at his al-

ways well supplied mansion was generous, cordial and elegant. He was a lover of law and order, and of pure religion. The writer is not informed whether or not he became an inside member of the church before his death. He was, however, what we may call an outside pillar of the Episcopal church (the church, I believe, of his ancestors) and contributed liberally of his means in not only the support of that church, but to the building up of other churches and objects calculated to extend the Christian Religion. He was in favor of a sound progress (not much of a reformer) and gave a helping hand to all enterprises calculated to improve.

I will now close this communication with an allusion to Mr. Peyton's generosity, and illustrate that by giving an incident that occurred many years ago. Such incidents are so few and far between, and when they do occur they ought to be record-on paper, as memory must fail.

At the June term of the Circuit Court of Augusta county, e839, a young man who had procured his license to practicé law, presented himself at the Staunton bar, then well filled with able and experienced lawyers. Our young man had broken down at another pursuit, and had upon him the cares of a growing family. An important criminal trial was coming on. Mr. Peyton was the leading and prsncipal counsel in the cause for the Commonwealth, the last of his life. Those two whole-souled and generous gentlemen, the late Judge Briscoe G. Baldwin and Thomas J. Michie, then at the bar, and in full practice appearing for the defence. Messrs. Baldwin and Michie seeing, no doubt, the hard struggle our young man was making, kindly proposed to him that if he desired to make an appea.ance at the bar, to select any of their cases and appear with them. Availing himself of this invitation, he proposed to them that he would select the criminal

case then coming on. That he would take no part in the examination of the testimony, but would simply make a short opening speech for the defence. The arrangement was assented to and the young man took his position. After thus entering into the cause, he met with a gentleman of the bar who had attained considerable distinction, and said to him that he thought that he was venturing too far—a failure would be most disastrous. This was exceedingly discouraging to the young lawyer. It was however life or death, sink or swim, and he must go forward. The testimony gone throngh with, the argument came on. Mr. Fultz, who was assisting Mr. Peyton in the prosecution, opened the cause for the Commonwealth. Then came the trying time on our young lawyer, when he arose and delivered his speech in about 35 minutes. Whether he had been of any service in the cause or not he could not tell, he did not feel however that he had made a failure. When turning round to take his seat Mr. Peyton in the most pleasing manner extended to the young man his right hand, took the hand of the young man and shook it most cordially, and in the presence of a crowded Court-house, remarked in his emphatic way, 'Sir, you've made a good speech, a very good speech, indeed. Between Mr. Peyton and our young man there was no tie of blood or kindred, no obligation, whatever, on his part. He was surrounded with considerable wealth and friends; had made character and reputation; had just been elected to the State Senate of Virginia by a large majority. The young man was poor—comparatively friendless; had never been surroundep by any adventitious circumstances; had by his own efforts and without material aid, worked his way to the bar. This most generous act of Mr. Peyton gave him encouragement; he went forward in the profession, and although he may not have attained dis-

tinction, he has had the respect of the profession, and used it as the means of raising a large family. And now, although forty winters have rolled over since the occurrence referred to, leaving the head of that then young man almost as white as the frost, the manly form, pleasing face and generous conduct of Mr. Peyton are fresh and green in his memory, and he has here undertaken this imperfect sketch of his recollections of Mr. Peyton as a small tribute to his memory.*

DAVID S. YOUNG.

Staunton, Va., January 31st, 1879.

LETTER FROM HON. GEO. W. THOMPSON,

FORMERLY M. C. FOR THE WHEELING DISTRICT, W. VA., AND UNITED STATES DISTRICT ATTORNEY FOR WESTERN VIRGINIA.

HIS IMPRESSIONS OF JOHN HOWE PEYTON.

Steenrod, near Wbeeling, W. Va., June 11th, 1879.

To Col. John L. Peyton, Staunton, Va.:

Dear Sir—Your note of May 31st was forwarded to me at the "Hills" in Marshall county, and thence to the court at Clarksbur, from which I have returned this week. I have hastened, and possibly with too much haste, to reply to your note. Herewith I send you the impressions your father made upon me. It is perhaps a little severe and stern for the effeminate men of these times, but the latter would be benefitted by comparison or contrast with the men of that day in which

*The young man above mentioned was D. S. Young himself.

John Howe Peyton and Briscoe G. Baldwin were the samples of excellence.

My acquaintance with John Howe Peyton became more intimate in 1828, when I was Attorney for the United States for the Western District of Virginia. He was then prominent as a remarkable man, and as an able and distinguished lawyer. He was a man of that tone and quality of mind, which soft and vacillating natures, or other minds not well grounded in high principles of conduct, *might* term austere. The logical character of his mind was that of severity of thought, and well trained in historical criticism. From such a mental constitution and from such culture all his motives of conduct, public and private, may wellbe supposed to have been the convictions of principles. As a statesman such a man could not do otherwise than shape his public life to the loftiest patriotism, as a lawyer to the sternest integrity of public right and justice, and as a man to all that was above what was low, base, or corrupt, or even common-place. Hence as a party leader or defender of right he had no mercy, in the public discussions of his times, for the mere trickster and demagogue, as public prosecutor he had no compromises with crime or guilt, and as a lawyer was inflexible and professionally just in the application of the principles of the law, which ue looked upon as a science which tended to secure the rights of men and preserve the purity of the general life. There were not many men who could make such quick and decisive analysis of facts, and generalise from them the principles by which they should be governed, and state the results to which they lead, and this both in the domain of politics and of proiessional life. Young men, who desired to reach eminence and solid character, would seek his company and find a friend and counsellor, but not a companion in the

familiar sense, while those of feeble texture of mind would, in a certain seuse, be overawed and repelled. I should say his mind belonged to the Doric order—massive, almost severe in its simplicity, and strong, and in these qualities, conservative.

With great respect and esteem,

Yours truly,

GEO. W. THOMPSON.

PRESENTATION OF MR. PEYTON'S PORTRAIT TO THE COUNTY OF AUGUSTA.

In order to preserve, in a permanent form, the interesting proceedings on the occasion when Mr. Peyton's portrait was presented to the county of Augusta, the little pamphlet containing them and printed at the time, is here reproduced.

The pamphlet was entitled: "John Howe Peyton. Ceremonies attending the presentation of his portrait to the county of Augusta."

"*Great men heighten the consciousness of the human race, and it is our grateful duty to magnify him whose genius magnifies mankind.*"

(Printed for Private Circulation.)

THE STOUT AND PEYTON CORRESPONDENCE.

Staunton, October 29th, 1892.

To Col. John L. Peyton:

My Dear Colonel—In accordance with the wishes of the bar and people of the county generally, it is the purpose of the county court to place in the Court House, if they can be obtained, portraits of our eminent lawyers of the past. Among the most distinguished of our jurists was your father, Hon. John Howe Peyton, distinguished alike for his varied abilities as a scholar, lawyer and statesman, for the extent of

his learning and the purity of his private and public morals. For nearly forty years he displayed his great qualities on this theatre to the admiration and advantage of the public, and I trust you may be able to accede to my request and supply a copy, life size, of his portrait.

I am, very truly, your friend,

JOHN W. STOUT,
Judge of Augusta County.

Staunton, October 31st, 1892.

Hon. John W. Stout, Judge of Augusta County:

My Dear Judge—I have had the honor to receive your kind and courteous note asking for a copy of my father's portrait, to be placed in the County Court House, among those of the eminent lawyers of Augusta, and hasten to say in reply that it will give me great pleasure to comply with your request.

I have the honor to be, Judge, with great respect and esteem,

Your friend,

J. L. PEYTON.

In accordance with his promise to Judge Stout, Col. Peyton instructed Mr. Edmund Berkeley, of Staunton, to employ an experienced and competent artist of New York City to make, in oil, a portrait of his father. Some delay took place in the matter, as Col. Peyton had promised a portrait of his father to Washington and Lee University, Lexington, which was executed by the same artist and sent to Lexington last year.

In the month of July, 1894, the portrait of Mr. Peyton

was finished in New York and expressed to Stauntou, where it safely arrived. Col. Peyton duly advised Judge Chalkley, the successor of Judge Stout in the office of County Judge, of the fact and received the following letter from him.

Staunton, July 2nd, 1894.

My Dear Col. Peyton:

I am very much pleased to know that the portrait of your father, Hon. John Howe Peyton, which was gotten by you at the request of Judge John W. Stout, to be hung in the County Court House, has arrived in Staunton. As far as it is in my province to speak, accept my assurances that it will be received by the people of Augusta county with the most cordial feelings toward you, and with the greatest admiration for the memory of one who has reflected so much credit upon Augusta county.

It will give me great pleasure to go with you to the Court House at any time that it may be convenient to you, for the purpose of selecting a place to hang the portrait.

Believe me to be, with the greatest respect and consideration.

Very truly yours,

LYMAN CHALKLEY.

A few days later, on behalf of the County Court, an invitation was extended to the leading families of the town and county to attend a public meeting of the county officials and the general public, at the Court House, on July 20th, at 12 o'clock, M., when the portrait would be formally presented

to the county by Capt. James Bumgardner, Jr., on behalf of Col. Peyton, and be accepted by Major T. C. Elder on behalf of the county, these gentlemen, two of the ablest and most eloquent members of the bar, having been selected by Judge Chalkley for these pleasing duties.

THE PUBLIC MEETING.

The meeting announced to take place at 12 o'clock, July 20th, for the reception of Mr. Peyton's portrait, was duly held in the Court House on the day and at the hour specified. It was largely attended by the county officials, among them Hon. Lyman Chalkley, Judge of the County, N. B. Watts, Sheriff, Wm. A. Burnett, County Clerk, and others, including the Supervisors, namely, Elijah Coiner, T. M. Smiley, H. B. Wilson, Samuel Forrer, Silas H. Walker, and Wm. A. Crawford, the members of the Bar and many others, among whom were a number of fashionable and elegant ladies, including Mrs. and the Misses Atkinson, Mrs. Elder and daughter, Mrs. W. P. Tams, Mrs. Wm. Frazier, Miss Malcomb, Mrs. W. E. Craig, &c., &c.

On motion of Capt. Thos. D. Ranson, seconded by Wm. P. Tams, Esq., Capt. George M. Cochran was called to the chair. Capt. Cochran explained briefly the object of the meeting. when Capt. Bumgardner arose and said:

CAPT. JAMES BUMGARDNER'S SPEECH

Gentlemen of the Board of Supervisors:

The late lamented Judge Stout, who did much to entitle

him to be gratefully remembered by the people of Augusta County, reqested that a copy of the portrait of John H. Peyton might be made, to be placed on the walls of this Court room.

In accordance with that request the portrait has been made, and on behalf of Col, John Lewis Peyton and the other descendants of John H. Peyton I deliver this portrait to you, as the representatives of the County of Augusta, in order that the purpose of Judge Stout may be carried into effect; and that this portrait may placed in that group of illustrious citizens, with all of whom he was closely associated in life, and with whom he is entitled to be grouped and remembered in all time to come, as one of the men who have made the Staunton bar famous and honored, and who in their day enjoyed and deserved to enjoy, the esteem and admiration of their countrymen.

John H. Peyton was born in Stafford County, Virginia, in the year 1778. He inherited the virtues of patriotism, devotion to duty, courage and honor from his father, who illustrated them in the highest degree as a soldier of the Revolution. His academic career was distinguished by faithful application and great ability, and he graduated at Princeton, taking with high honors the degree of Master of Arts in the year 1797. After finishing his academical course he went earnestly to work to prepare himself for his professional career in which he rendered such faithful and honorable service to the Country and in which he earned so much honor and distinction. He studied law under the advice and tuition of Judge Bushord Washington of the Supreme Court of the United States, and with his ability, and taught by such a master, it is not surprising that the accuracy and extent of his legal knowledge placed him in the front rank of the great men of

his profession, who were his contemporaries. He commenced the practice of the law on the Fredericksburg Circuit. In the year 1806 he was elected as a Member of the House of Delegates from the County of Stafford, and was again elected in 1807. As a debater he had no superior on the floor of the House.

Mr. Peyton removed to Staunton and commenced the practice of the law in the Courts held in Staunton and the adjoining Counties in the year 1808, and he devoted himself to the practice of the law from that time until near his death in 1847. His great and recognized ability in the practice of his profession is shown by the fact that he was appointed Attorney of the Commonwealth for this Circuit immediately after his removal to Staunton, and three years later in 1812, Attorney for the Commonwealth for Augusta County. Chapman Johnson, who said he himself was not suited for the office, resigning it that Mr. Peyton might be elected, whom he declared was the ablest public prosecutor in Virginia. During the year 1812 he served as Chief of Staff of General Porterfield. In his army service he established his reputation as an able, enterprising and gallant officer. With the exception of his service in the House of Delegates, in the Senate and in the Army, his time and energies were spent in the arduous duties of his profession.

He was Mayor of Staunton in the years 1816 and in 1817, but his performance of the duties of that office was not, of course, any serious interruption to the laborious work of his profession. From 1812 (when he was appointed Attorney for the Commonwealth for the county of Augusta,) he filled that office continuously until 1844, serving in the mean time for two terms in the Senate of Virginia from 1836 to 1844, when he resigned from ill health. And now, because sirs, during that

long period he was one of the great men of this bar, because he was one of the great citizens of Augusta and of Virginia, because it is of interest and benefit to the Commonwealth, that the memory of her great and able men be preserved and cherished, this picture was asked for, that its presence on these walls might be a perpetual evidence of his ability and virtues, and evidence of how the people of this county recognize, reverence and honor those lofty attributes of mind and heart, which give fame and distinction to the locality in which they are displayed. It is now forty-seven years since Mr. Peyton passed away. Since his death nearly two generations have been born and died. Of the men now living in this county very few personally knew Mr. Peyton, or personally know the position he occupied in the estimation of the bar, of the men, and of the community of his day and time. That position is clearly shown by the written expressions of many great men of his day, and as these expressions will convey a clearer idea of Mr. Peyton's character than I am able to give in any other way, I think it most proper on this occasion to quote them.

Mr. Peyton was the author of the celebrated report opposing the Amendment of the Constitution of the United States, proposed by the State of Pennsylvania, for the alleged purpose of preventing collisions between the Federal Government and the State Governments; concerning which report Mr. Webster said, that "the reasoning and conclusions were unanswerable" and on another occasion said, "it was a misfortune that he was not in Congress."

Benjamin Watkins Leig said "He was the greatest lawyer west of the Blue Ridge."

Chapman Johnson said, "He was the greatest criminal lawyer and public prosecutor I have ever seen."

Judge Henry St. George Tucker said, "He was one of the most profound and learned of lawyers,"

Daniel Sheffy said, "He possessed gigantic power without effort, and was not only a great but a good man."

Major James Garland, of Lynchburg, said, "There was no greater lawyer in the Commonwealth."

Judge Alexander Rives wrote that "I know no lawyer in Virginia for whom I have the same admiration, respect and esteem."

John B. Baldwin said, "He was the greatest common-law lawyer he ever knew."

Judge Briscoe G. Baldwin said, "He had more strength, originality and learning than any lawyer of his acquaintance."

Judge Lucas P. Thompson said, "His sentiments wrere illuminated by genius."

Sidney S. Baxter, late Attorney General of Virginia said "No lawyer in Virginia equalled him in debate."

Thomas J. Michie said of him: "That he was a man who had served his country with distinguished ability in various civil positions in time of peace, who has honorably and gallantly served and sacrificed his property in time of war, a man whose honor and integrity have never been impeached in this or any other community."

Judge R. C. L. Moncure in speaking of him as a young lawyer said: "He took a position on being admitted to the bar which brought him immediate and continued popularity as a lawyer, a pleader and a scholar."

T. M. Green, a distinguished lawyer and author, of Kentucky, said; "John Howe Peyton was eminent a as lawyer, statesman and orator."

Professor J. T. L. Preston, late of Virginia Military In-

stitute, said: "He was a champion in every branch of his profession."

The late James D. Davidson, of Lexington, said: "I regarded him altogether as a superior being."

The late William Frazier said: "His pleadings were master pieces of art."

The late Judge McCue said: "In his discourses he displayed a soundness of view, an extent of research, a manliness of principle, an accuracy of learning and a vigor of style surpassing anything I ever heard."

Mr. Peyton was as eminent for stern integrity as for learning and ability, and in that connection a writer, whose name I will not call, as he is still living, said: "I never knew a man who had more of what Edmund Burke styled "the chastity of honor which felt a stain like a wound."

I have heard many lawyers who personally knew Mr. Peyton as a lawyer, speak of him, and, without exception, they placed him in the very front rank of the great lawyers of his day, and the late Judge H. W. Sheffey, with whom I was associated for so many years as a partner, spoke of him often and alluded to his appearance in a celebrated cause, which at the time of the trial, made a most profound impression upon the community and said that Mr. Peyton's description of the facts connected with the *corpus delicti*, and the behavior of the accused at the time was the most dramatic, powerful and stirring burst of eloquence he had ever heard or read, and that during the utterance of the speech there was not a dry eye in the crowded Court House.

It will be observed that these statements are made by men qualified in the highest degree to estimate justly human character and ability, and who had the very best opportunity of judging the character and ability of Mr. Peyton, as they

were intimately associated with him at the bar and in public life; and their testimony therefore is conclusive, that Mr. Peyton was a man of commanding ability, of the highest culture, of profound legal learning, of the sternest integrity and the strictest honor, and is worthy to be commemorated in the manner proposed by placing this portrait in the group which now adorns these walls, and I now take great pleasure in presenting it to you for that purpose."

At the close of his discourse the audience warmly applauded Captain Bumgardner, as it had repeatedly done during its delivery.

MAJOR ELDER'S ADDRESS.

Major Elder then rose and spoke in the follo ving terms:

To Col. John Lewis Peyton whom I see before me, and who by right of primogenture now stands at the head of the descendants of John Howe Peyton, and through him to all the descendants of this eminent man, I would say that the people of the county of Augusta, represented by the Judge of their County Court and Board of Supervisors, have requested me to signify the acceptance by the county of the admirable portrait of Mr. Peyton which has just been tendered it by Capt. Bumgardner in such appropriate and beautiful terms. Col. Peyton, in presenting to his native county this portrait of his distinguished father, has done well, in that he has at once performed an act of filial piety and conferred a public benefit; for whilst Col. Peyton has by this act given apt expression to the tender and loving relations which should exist between a dutiful son and an honored parent, it must also be remem-

bered that the father whom he loved so well was amongst the most distinguished of Augusta's adopted sons, and she is now given an opportunity of manifesting towards him those sentiments of affection and pride which a mother cherishes for her honored children. Individuals and families honor themselves in honoring their worthy ancestors, and communities and states offer the highest incentive to industry, virtue and patriotism by honoring the memory of those who have filled the public stations with fidelity and zeal for the public good.

I shall not attempt a biographical sketch of Mr. Peyton. Capt. Bumgardner has told us of his birthplace and honorable lineage, of his collegiate education and subsequent preparation for the bar, of the commencement of his professional career in his native county of Stafford, and in connection therewith of his early selection for the office of Commonwealth's Attorney for that county, and of his having been chosen several times to represent it in the popular branch of the general assembly of the State before his removal to Staunton in 1808. We have also been told of the course of his life after his removal to this place. Some account of his merits must have preceded him, for almost immediately after settling here he was appointed Commonwealth's Attorney for this Circuit by its presiding judge, and in two or three years afterwards the distinguished Chapman Johnson resigned the office of prosecuting attorney for this county, in order, as it is said, that Mr. Peyton, because of his peculiar fitness, might be chosen for the place. It seems that from the time Mr. Peyton came here to live until he was disabled by the disease that ended his life, his time and talents were devoted to the study and practice of his chosen profession; for he belonged to that class of lawyers who do not stop studying when they begin to practice. During

almost the whole of his professional life in this county he was Commonwealth's Attorney either for the County or the Circuit, and for the most part for both. The reputation he made as a prosecuting officer has rarely, if ever, been excelled in this State.

But whilst devoted to the law, which he studied as a science, and practiced only as a great and noble profession should be practiced, he was by no means unmindful of the duties he owed the community in which he lived and the State and country of which he was a citizen. As a military officer of the war of 1812, and as a member of the Senate of Virginia for a number of years, he discharged his duties incumbent upon him in these positions with honor to himself and with benefit to the State. And over the public assemblage of the people of this town and county occurring in his day, he was frequently called on to preside, upon which occasion he always acquitted himself with dignity and grace. He took a lively interest in everything of a public character that was going on around him.

He was one of those who think that every man should be more than his work; wider and higher than the business or calling by which he earns his daily bread. Some there are indeed who, whilst thinking this should be so, have barely the capacity to discharge the duties of their vocations, and are without time or strength for anything else; and hence must submit to be driven—

> "Round the daily scene
> Of sad subjection, and sick routine,"

until death relieves them of their bondage.

But we have been told by Capt. Bumgardner that Daniel Sheffey, a competent judge surely, in speaking of Mr. Peyton, said—"He possessed gigantic power without effort." No

greater compliment could be paid to the intellect of any man. Mr. Peyton had time enough to become great in his profession, and to spare for other things. With him his daily work was a pleasure rather than a burden. Fortunate indeed is the man who is so gifted. The consciousness of the possession of such powers and the use of them in the right directions must be a delight to the possessor.

This appears to have been the thought of Macauley, when contemplating Milton in his poetic flights, after the constructive and artificial parts of his was done, he fancies the great poet might have said to himself:—

> "Now my task is smoothly done
> I can fly, or I can run."

Nature was in various ways lavish in the bestowal of her favors upon him of whom we speak to-day. Not only did she endow him with high intellectual gifts, but he had *mens sana in sana corpore*. He was a large, well proportioned man, of dignified bearing and pleasing address, with a glow and color indicative of a fine physical constitution. Like jewels in a setting, at once strong and graceful, the mental powers of Mr. Peyton were displayed to the best advantage through his magnificent form and presence. How we all do admire intellectual power, and if associated with physical size and strength and manly beauty, we admire it all the more. But, it may be repeated, intellectual power, talent and genius are always admired for their own sake. The fact that they are associated with bad moral qualities, and indeed with great vices, does not wholly deprive them of their charm, Lord Bacon, sometimes described as the "greatest, meanest of mankind," will never cease to be admired by even the best of men for his towering and resplendent intellect. Satan, as depicted by Milton, while revolting in the hideousness of his

moral deformity, excites our interest, and, in a sense, extorts our admiration by the grandeur and independence of his masterly mind. But it was the crowning excellence of him whose memory we honor to-day, that he was as pure and noble in heart as he was great in mind. In him there was that fine and harmonious combination of high moral qualities and great intellectual powers which make the model man. This combination of moral and intellectual qualities is what so greatly commended this man to the regard and esteem of his contemporaries, and it is what still keeps his memory fresh.

And the moral qualities now referred to are not merely such as truth, sincerity, honesty and integrity, which, and the like of which, Mr. Peyton, it is true, possessed in an eminent degree, but also the rarer virtues of firmness, self reliance persistence in the right, fearlessness in the discharge of duty, a strong sense of justice and a refined sense of honor.

And displaying constantly, as he did, these noble qualities in the practice of his profession, he left the lawyers of this bar and of the bar throughout the State an example worthy of the closet imitation. In the discharge of his duties as a prosecuting attorney, whilst he never permitted those he believed to be guilty to go wholly unwhipped of justice if he could prevent it, on the other hand he would have considered it a crime in himself to have asked for the conviction of one whose guilt was not sufficiently established. He was an independent and conscientious practitioner in the civil departments of his profession. Well it is for the lawyers of the present day, and well it will be for those who are to follow them, that the portrait of such a lawyer should be ever looking down upon them from the walls of this hall of justice.

Its presence here will be at once an inspiration and a restraint.

With the form and features of John Marshall, the great expounder of the Federal Constitution and the founder of our Federal Jurisprudence, and with the forms and features of such of his disciples as John H. Peyton, Thomas J. Michie and John B. Baldwin, ever before them, the lawyers who come here to practice their professson should not go wrong.

Nor is the presence of the portraits of these great men in this public place without its purifying and elevating influence on the great body of the people who are wont to congregate here. Every community is deeply interested in the qualifications and character of its lawyers. Like people, like bar. If the people want clean and competent lawyers to transact their business, such will be forthcoming; if, on the other hand, lawyers of a different kind are wanted and encouraged, they will abound.

But it is not only because the men whose likenesses adorn these walls were great lawyers that they are entitled to the admiration of the public; but also because they were upright and honorable in all the relations of life, both private and public. In political matters they were candid and straightforward, and, above all things, patriotic. They were not office-seekers, So far as they were office-holders, the offices sought them. None of Mr. Peyton's cotemporaries ever supposed that he would of his own motion actively seek a political office. But when the people amongst whom he lived desired his services in a public capacity, they were not withheld; and they were rendered with strict regard to the public interests and without any regard at all to his personal promotion. With him, and with those like him, public office was indeed a public trust. John Howe Peyton was never the man to sacrifice a political conviction for office. He was a leader rather than a follower of public opinion, and he always guided it in the ways of justice, of honor, and of patriotism.

What was it that first gave to this county of Augusta her high and enviable position amongst the counties of Virginia? It was the custom of putting forward her best men to represent her in the legislature, and in the various public assemblages of the State. The name of Augusta is indissolubly linked with the names of her distinguished sons who are gone. In the eloquent language of a great patriot—"The past is at least secure."

I claim to be a man of progress, and I trust duly appreciate the wonderful advances of recent years in the development of the resources and material wealth of our State and Country and in diffusion of education and other blessings; but at the same time, I would hold fast to the former things that are good. In this respect at least, if necessity required, I would rather adopt the motto engraved on the public seal of our country *Redeant in aurum secula priscum*, "Let the ages return to the first golden period."

May God bless the county of Augusta and may He raise up men, great and true, to serve and honor her in the future as John H. Peyton and her two other sons whose portraits adorn these walls served and honored her in the past.

When Major Elder resumed his seat he was greeted with loud applause.

COL. JOHN L. PEYTON'S REMARKS.

Silence being restored there were calls from all parts of the house for Colonel Peyton, who came forward in response to them and spoke in substance as follows:

He said he was taken entirely by surprise, but gladly availed himself of the occasion to thank Captain Bumgardner

and Major Elder for their polished and eloquent speeches,and the lofty tributes they had paid to his father; he was pleased that his father's portrait would henceforth adorn the walls of this hall, which had so often resounded to his eloquence, and would be evermore displayed in the midst of a people he loved so well, and for whom he labored so faithfully. He confessed to a devout veneration for great and good men—the heroic masters in virtue, and felt a desire to exalt them as ideals, which would exert an influence to mould to their likeness those who earnestly contemplated them. Leaving out of view all other aspects of his father's character, he might be permitted to say that no man had a deeper or more inextinguishable thirst to promote human liberty and happiness, and such was his unselfish patriotism that it could be truly said of him that it ever was "his country first, his country last, his country all the time. [Loud applause.]

HON. JOHN RANDOLPH TUCKER'S LETTER.

Major Elder then read the following letter from Hon. J. Randolph Tucker.

Lexington, Va., July 18th, 1894.

T. C. Elder, Esq.:

MY DEAR FRIEND:—

I should be glad to be present at the presentation of the portrait of the late Hon. John Howe Peyton to the county of Augusta,and to hear the addresses appropriate to its presentation and reception, delivered by Capt. Bumgardner and yourself.

The adornment of your Court House by the pictures of the men whose genius has honored the county, and whose eloquence still lives in the memory, as its echoes linger in the

walls of the old forum of its mighty people, is a noble method of perpetuating the virtues of her great men and holding them up as a models and examples for the rising generation.

I was too young to know and fully appreciate the eminent abilities of Mr. Peyton as they deserved to be. But I remember him, when as a boy, in 1839--40, I traveled with him from Charlottesville to Richmond, when the snow obstructed travel and detained us at Trevilian's for more than a day. His genial and cordial manners to a lad [Mr. T. was then about 19 years of age] and his charming conversational powers, mingling vivacity of humor, with grave disquisition on more serious matters—fascinated me then, and so live in my memory as to make me sympathize in all honors done to his name, and attract me to the scene where that is to be so worthily manifested.

But I am not quite well and my duties here forbid my attendance on the occasion.

In full sympathy with the occasion, and wishing the ceremonies to be fully successful, I am, sincerely,

Your friend,

J. R. TUCKER.

Major Elder then remarked that he had just been furnished by Judge George M. Harrison with an extract from a speech made by Mr. Peyton when only twenty-two years of age—a speech made to the grand jury of his native county—which threw a light upon Mr. Peyton's whole life and character as a public prosecutor. The Major then read this extract from Mr. Peyton's speech:

"*The history of man from the primeval simplicity of*

our first parents to the present day has satisfactorily proven that neither the dictates of reason, the light of philosophy, nor the divine precepts of our holy religion furnish adequate restraints to his vicious propensities."

The meeting then, on motion of the Hon. Marshall Hanger, adjourned.

GEO. M. COCHRAN,
Chairman.

EDITORIALS FROM THE STAUNTON PAPERS.

It will not be uninteresting in this connection to read the following editorials from the leading Staunton papers.

In the Daily Post of the same evening, this article appeared:

JOHN HOWE PEYTON.

PORTRAIT OF THIS EMINENT VIRGINIA JURIST PRESENTED TO THE COUNTY.

CAPT. JAMES BUMGARDNER MAKES THE SPEECH OF PRESENTATION, AND MAJOR ELDER THAT OF ACCEPTANCE—BRIEF SKETCH OF HIS CAREER.

As previously announced, the oil portrait of the late Hon. John Howe Peyton, which, at the suggestion of the late Judge Stout and the Board of Supervisors was placed in the Court House of Augusta County, was formally presented and received to-day at noon.

Captain George M. Cochran presided over the meeting.

The jury box was occupied by the Supervisors and within and around the bar inclosure was gathered many of the leading members of the bar, ladies and relatives of the late Mr. Peyton. Among them was Captain James Bumgardner, who, on behalf of the family of Mr. Peyton made the formal presentation address, Major Thomas C. Elder, who received the portrait on behalf of the county, Colonel John L. Peyton, son of the gentleman honored, Mrs. Peyton and others. The portrait was hung in its place upon the north wall in rear of the bench and to the east of that of the late Chief Justice Marshall.

Captain Bumgardner's address reviewed the circumstances leading up to the presentation, and the life and eminent achievements of the distinguished jurist. His address was chiefly biographical, and quoted many distinguished gentlemen in eulogy of Mr. Peyton as a complete lawyer, patriotic citizen, and great and good man. He was born in Stafford County, April 3d, 1778; was educated in Fredericksburg and at Princeton, from which he was graduated with the A. M. degree, studied law under Judge Bushrod Washington, of the United States Supreme Court, and further equipped himself for his profession by an extensive course in literature. In 1799 he began the practice of law in Fredericksburg, and soon achieved distinction. In 1804 he married Susan, daughter of William S. Madison, a cousin of President James Madison. In 1806 he was elected to the Virginia House of Delegates, and served with ability for four years. He was considered the most brilliant debater in that body. A series of resolutions written by him opposing a constitutional amendment providing a tribunal to settle disputes between the State and Federal Judiciary were quoted by Daniel Webster in his memorable debate with Hayne, and were characterized by him as unanswerable.

In 1808 Mr. Peyton located in Staunton and was made Public Prosecutor of the Judicial Circuit of Augusta, Albemarle, Rockingham and Rockbridge. During the war of 1812 he served with distinction on the staff of General Porterfield, and on his return was made Mayor of Staunton. In 1822 he was married to Miss Ann Montgomery, daughter of Colonel John Lewis and his wife, Mary Preston.

In 1836 he was elected State Senator from Augusta and Rockbridge. and served there until 1845, when he resigned. In June, 1844, after a continuous service of 32 years, he resigned the office of Commonwealth's Attorney for Augusta. He died at Montgomery Hall, near Staunton, April 29, 1847.

Maj. T. C. Elder, on behalf of the county, received the picture in a polished and scholarly address, which was generally pronounced one of the finest addresses of the kind ever heard here. The son, said the speaker, had done an act of filial piety and at the same time a service to his county in presenting this portrait of his honored father. The speaker then reviewed the career of Mr. Peyton, paid a splendid tribute to his legal abilities, which was acquiesced in by many of Virginia's most distinguished men. He held up for the emulation of the bar his untarnished integrity, devotion to duty and loftiness of life and purpose as exhibited in his practice in this court, and referred to the portrait along with those of Michie and Baldwin as among the household gods of the county. In the name of Judge, Supervisors and people he accepted the portrait and promised that it would be highly prized.

Col. John L. Peyton, being called for, responded briefly, thanking the gentlemen who had spoken for their lofty tributes to his father.

The meeting then adjourned.

[From Staunton Spectator.]

PORTRAIT OF HON. JOHN HOWE PEYTON.

PRESENTED TO THE COUNTY OF AUGUSTA BY HIS SON COL. JOHN LEWIS PEYTON.

At the request of the late Judge John Stout, Col. John L. Peyton had a portrait of his distinguished father painted to be presented to the county to be placed on the wall of the Court-room beside the portraits of Chief Justice John Marshall, Thos. J. Michie, and Col. John B. Baldwin. The formal presentation of this portrait took place at a meeting held in the Court house at 12 o'clock last Friday, July 20th, at which the Supervisors of the County, the members of the Staunton Bar, some ladies, and a large number of others were present.

On motion of Capt. Thos. D. Ranson, Hon. Geo. M. Cochran was made Chairman of the meeting.

On taking the chair, he announced its object and said that the meeting was ready for business. Then Capt. Jas. Bumgardner, on behalf of Col. John L. Peyton, delivered the presentation speech, which was done in fine style He prefaced his speech, with the following remarks:—

"Gentlemen of the board of Supervisors:

The late lamented Judge Stout, who did much to entitle him to be gratefully remembered by the people of Augusta county, requested that a copy of the portrait of John H. Peyton might be made, to be placed on the wall of this court room.

In accordance with that request, the portrait has been made, and on behalf of Col. John Lewis Peyton, and other descendants of John H. Peyton, I deliver this portrait to you. Augusta, in order that the purpose of Judge Stout may be car-

ried into effect; and that this portrait may be placed in that group of illustrious citizens, with all of whom he was closely associated in life, and with whom he is entitled to be grouped and remembered in all time to come, as one of the men who have made the Staunton bar famous and honored, and who in their day enjoyed and deserved to enjoy the esteem and admiration of their countrymen."

Then followed a very interesting succinct biographical sketch of the able lawyer, orator, and legislator whose portrait he was deputed to present to the county. It embraced Mr. Peyton's distinguished services from his early manhood to the time of his death in 1847. Capt. Bumgardner quoted the remarks of quite a number of able lawyers and others, the contemporaries of John Howe Peyton, as to his ability as a lawyer and legislator, and all concurred in the opinion that he was one of the ablest lawyers of the State of Virginia, and Virginia has had, and still has, a great many very able and learned lawyers. We regret that we have not space for these eulogistic quotations. They show that he was not only an able lawyer, but a great and good man, whose integrity and patriotism was above reproach.

After the quotations from these distinguished men, Capt. Bumgardner concluded his address as follows:

"It will be observed that these statements are made by men qualified in the highest degree to estimate justly human character and ability, and who had the very best opportunity of judging the character and ability of Mr. Peyton, as they were intimately associated with him at the bar and in public life, and their testimony therefore is conclusive, that Mr. Peyton was a man of commanding ability, of the highest culture, of profound legal learning, of the sternest integrity and the strictest honor. And it is worthy to be commemorated in the

manner proposed by placing this portrait in the group which now adorns these walls and I now take great pleasure in presenting it to you for that purpose."

Then Major Thos. C. Elder on behalf of the Supervisors of the county made his speech accepting the portrait, which duty he performed in good taste and in an able and admirable manner. He began his speech by referring to the donor of the portrait and said:--

"To Col. John Lewis Peyton, whom I see before me, and who by right of primogeniture, now stands at the head of the descendants of John Howe Peyton, and through him to all the descendants of this eminent man, I would say that the people of the county of Augusta represented by the judge of their county court and board of supervisors have requested me to signify the acceptance by the county of the admirable portrait of Mr. Peyton, which has been tendered it by Capt. Bumgardner in such appropriate and beautiful terms. Col. Peyton, in presenting to his navtive county this portrait of his distinguished father has done well, in that he has at once peformed an act of filial piety and conferred a public benefit; for whilst Col. Peyton has by this act given apt expression to the tender and loving relations which should exist between a dutiful son and honored parent, it must also be remembered that the father whom he loved so well was amongst the most distinguished of Augusta's adopted sons, and she is now given an opportunity of manifestating towards him those sentiments of affection and pride which a mother cherishes for her honored children. Individuals and families honor themselves in honoring their worthy ancestors, and communities and States offer the highest incentive to industry, virtue and patriotism by honoring the memory of those who have filled public stations with fidelity and with zeal for the public good.

Then Major Elder spoke of the great abilities and noble virtues of John Howe Peyton. It was the happy combination of both that made him the great and good man that he was. The good influence of such a character was ably presented, and the beneficial effect of the presence of the portrait of such a man in the court-room would have on the bar.

We regret that we have room only for a few brief extracts which we give as follows:—

"But we have been told by Capt. Bumgardner that Daniel Sheffey, a competent judge surely, in speaking of Mr. Peyton said: "He possessed gigantic power without effort." No greater compliment could be paid to the intellect of any man. Mr. Peyton had time enough to become great in his profession and to spare for other things. With him his daily work was a pleasure rather than a burden. Fortunate indeed is the man who is so gifted. The consciousness of the possession of such powers and the use of them in right directions must be a delight to their possessor."

* * * * * * *

"But it is the crowning excellence of him whose memory we honor to-day, that he was as pure, as noble in heart as he was great in mind. In him there was that fine and harmonious combination of high moral qualities and great intellectual powers which makes the model man. This combination of moral and intellectual qualities is what so greatly commended this man to the regard and esteem of his cotemporaries, and in what still keeps his memory fresh."

* * * * * * *

"Well it is for the lawyers of the present day, and well it will be for those who are to follow them, that the portrait of

such a lawyer should be ever looking down upon them from the walls of this hall of justice.

Its presence here will be at once an inspiration and a restraint.

With the form and features of John Marshall, the great expounder of the Federal Constitution and the founder of our Federal jurisprudence, and with the forms and features of such of his disciples as John H. Peyton, Thos. J. Michie and John B. Baldwin, ever before them, the lawyers who come here to practice their profession should not go wrong."

At the oonclusion of Major Elder's speech, calls were made on Col. John L. Peyton, who arose and responded in a few brief remarks which can be found on another page of this book.

[From Yost's Weekly.]

PRESENTATION OF A PORTRAIT.

A goodly company, including a number of ladies, assembled in the Court-house at noon on Frlday last to witness the presentation to Augusta County of the portrait of Hon. John Howe Peyton, than whom the old county never had a more distinguished son, for although born outside of her confines, the major part of his long and useful life was spent in her service, and the lustre of his fame forms one of her richest heritages and indissolubly interwoven with her history and progress.

The meeting was called to order by Capt. T. D. Ranson, and, upon his motion, George M. Cochoran, Esq., was designated to preside. Mr. Cochran briefly stated the object of the meeting was the presentation to the Board of Supervisors of Augusta County of a portrait of the late Hon. John Howe Peyton and its acceptance by the authorities.

On behalf of Col. John Lewis Peyton and other descendants of the great lawyer, Capt. James Bumbardner made the presentation address. It was a theme worthy of the best effort and the address was worthy of the theme, and worthy too of the head and heart of the learned and gallant gentleman chosen for the task. He sketched the distinguished career of John Howe Peyton from his birth in Stafford county in the year 1778. Endowed with talents of a high order, Mr. Peyton entered Princeton at an early age, graduating from that institution as Master of Arts in 1797. He studied law under Judge Bushrod Washington of the Supreme Court of the United States, and commenced the practice of his profession on the Fredericksburg circuit. In 1806 he was elected as a member of the House of Delegates from Stafford County, and re-elected the following year and served until 1810 and 1811. In 1808 he removed to Staunton, and was immediately appointed Attorney for the Commonwealth for the circuit surrounding Staunton, and subsequently also Commonwealth's Attorney for Augusta County. This latter position was resigned by Chapman Johnson, himself a great lawyer, for the reason, as he declared, that Mr. Peyton's qualifications for the office were so superior that justice to the county demanded his services. During the war of 1812 Mr. Peyton acted as chief of staff to General Porterfield, and in the field as well as the forum rendered distinguished service. From 1816, when he was appointed Deputy U. S. District Attorney to aid William Wirt, until his health became impaired in 1844, Mr. Peyton continued to fill the office of State's Attorney, serving also terms as Mayor of the city and for eight years as a member of the State Senate.

His busy, useful life closed in 1847, but the fragrance of his memory lingers to this day, and his fame is one of the

memories of the county. Captain Bumgardner quoted the opinions of a long list of eminent men who were cotemporaries of Mr. Peyton and recognized his great power as a lawyer. Among them was Daniel Webster, who in speaking of the celebrated report written by Mr. Peyton in opposition to the amendment of the Constitution of the United States, said that the "reasoning and conclusion were unanswerable."

In closing, Captain Bumgardner earnestly and eloquently summed up the salient points in the career of Mr. Peyton, declaring him to have been a man of commanding ability, of the highest culture, of profound legal learning, of the sternest integrity and strictest honor; worthy to be commemorated by placing his portrait in the group of great lawyers which now adorns the Court House.

Major Thomas C. Elder was selected by the court to receive the portrait on behalf of the Board of Supervisors. The selection was a happy one. Never have we heard in that Court House an address so chaste, so scholarly, so rich in beautiful worded thought, so thoroughly impressive and appropriate. It was a literary gem. To sketch it would be to mar it, and we regret that our limited space does not permit its publication in full, together with the address to which it was a response.

Col. John L. Peyton, son of Hon. John Howe Peyton, was present in the house, and calls were made for him to come to the stand. In recognition of this manifestation, the Colonel said he was taken by surprise in the call that was made, and could only say that he felt gratified with the enthusiastic manner the gift to the county had been received, and the elegant and affecting remarks which had accompanied the presentation of the portrait and its reception. That he was pleased to see his father's likeness on the walls of the hall

where his eloquent voice had so often resounded, and suspended in the midst of a people he had loved so much and served so faithfully, for with him it always was "his country first, his country last, his country all the time."

LETTERS.

FROM THE REV. J. HENRY SMITH, D. D., PASTOR OF THE FIRST PRESBYTERIAN CHURCH, GREENSBORO, N. C., ONE OF THE FEW SURTIVORS OF MR. PEYTON'S OLD FRIENDS.

Greensboro, N. C., July 24th, 1894.

Col. John L. Peyton:

My Dear Sir—I have just received from your hand a copy of the "Staunton Daily News" of the 21st inst., and I have read with very great pleasure, the beautiful and eloquent and richly deserved tributes to your honored father at the public meeting in your town called for the acceptance of your father's portrait. It well deserves to be placed among the purest and ablest and noblest of his talented and honored associates and contemporaries. I congratulate *you* on so interesting an occasion, and I sympathise with you in the filial joy and pride and gratitude to God that your heart, I know, felt, as those tributes were paid to your noble father's character and influence. Next to the fear of God, is the feeling we cherish for a father, who has taught us in the right way of virtue and honor, who has exemplified such a life and led us onward and upward. I think the *5th Commandment* stands in the decalogue where it does, because the love and rever-

ence to parents is next to the love and fear of God, in the estimation of God himself.

Greek and Latin writers often classified and summed up human duty in the following three-fold way,—"to fear the gods—to honor one's parents and to obey the laws of the land." This was I think in the mind of *Cicero* when he said "*in aris et focis est Republica.*" *Plato* says "let us believe then that we can have no religious image more precious in the sight of heaven than a father, or a grand-father or a mother worn out with age, and that in proportion as we honor or delight in them with a religious joy, in the same proportion does God himself rejoice. Such sentiments, I believe, are fragments of the true and primitive religion carried abroad—but also, soon afterward, in so many respects corrupted, we recognize such sentiments as a part of the original Divine law not wholly obliterated, thanks to God, by the fall.

For the sake of dear old Virginia, I thank you that your father's form and face is where it is—to be an incentive to virtue and patriotism, as it looks down from year to year upon all who enter your court of justice.

For your considerate kindness in sending me the paper, and awakening thoughts of the long past, and with apologies for this longer letter than I had thonght to write, I am,

Gratefully yours,

J. HENRY SMITH.

FROM GEN. ECHOLS.

Louisville, Ky., July 28, 1894.

Major Thos. C. Elder, Staunton, Va.:

My Dear Major—After an absence of several days, I

returned to this city yesterday, and find your postal of the 23rd inst., and also the newspaper containing an account of the ceremony of the delivery to, and acceptance by, the county authorities of Augusta county, of the portrait of the late distinguished John Howe Peyton. I am very much obliged to you for thinking of me, and giving me an opportunity of reading the addresses made by yourself and Captain Bumgardner on the occasion referred to. I have read the speeches with a great deal of interest, and I have been very much impressed and pleased with your chaste, striking, and eloquent address, as the representavive of the Supervisors of the county, in accepting the portrait. You have, with a master's hand, delineated the character of Mr. Peyton, and I hope that your address will be preserved as a fitting accompainment of the skillful personation of the striking countenance that the artist has presented. I recollect Mr. Peyton very well. When I was a boy I saw him, and heard him frequently at the bar, generally in Lexington. I have also a very pleasant recollection of having enjoyed his elegant and generous hospitality at his home.

When I can first remember Staunton, the Staunton bar was made up of men who will long live in the memory of those who had the good fortune to know them.

Judge Thompson was on the bench, and around him Thos. J. Michie, A. H. H. Stuart, John B. Baldwin, David Fultz, H. W. Sheffey and a number of other gentlemen, all of whom together formed a notable group that would have made any forum illustrious.

It is certainly a most fitting thing that the noble county of Augusta should have her Pantheon, in which shall be gathered the statues and likenesses of her great sons, in order that those who come after shall see the men who have given

to her her proud pre-eminence among the counties of the "Old Dominion."

Again thanking you for your kindness, and hoping to see you in a few days, I am, very truly yours,

JOHN ECHOLS.

Many other interesting letters have been received from distinguished gentlemen in different parts of the State, but neither time nor the limits of this pamphlet admit of their insertion.

LETTERS FROM CONTEMPORARIES AT THE BAR.

From a number of letters received from persons to whom Col. Preston's sketch was posted, nearly fifteen years ago, the following extracts are selected, because written by Mr. Peyton's colleagues at the bar.

FROM JUDGE ALEXANDER RIVES.

(FEDERAL JUDGE.)

In a letter addressed to Hon. John L. Peyton, and dated Eastbourne, Charlottesville, Jan. 29th, 1881, Judge R. says:

"There was no one at the bar, with whom I was associated, for whom I cherished the same admiration, respect and esteem, as for him.

So much of our State's worth and greatness was in the ranks of the bar and the bench, that I have felt it to be a shame to the State that it has never been chronicled, as it should have been, for after ages. Such men as Wickham, Leigh, and Johnson survive only in brief obituaries. I am glad your filial piety has, in some measure, rescued your father's name from that neglect."

FROM JOHN B. MINOR, LL. D.,

PROFESSOR OF LAW, &C.

University of Virginia, February 3d, 1881.

My Dear Sir:

I pray you to accept my thanks for the brief memoirs of your distinguished father, which you were so kind as to send me.

It is very pleasing to have before my eyes the well remembered features, expression and attitude of a man for whom, through my whole professional life, I have cherished the most unreserved respect and admiration.

For many years I have been accustomed to regard the county of Augusta as occupying the first position in the Commonwealth, in respect to the *morale* and intelligence of its people, and the soundness of its public sentiment, and have ascribed the pre-eminence, in a marked degree, to the lofty character of its bar—a pre-eminence in uprightness, as well as in abilities and learning, which has now subsisted continuously for near a hundred years. There is no community in the State, I believe, which has been blessed, for a blessing indeed it has proved, for so long a period of time, with such a wonderful and uninterrupted succession of great and virtuous lawyers.

In that remarkable series, your father is a most conspicuous figure, and by his example and influence contributed as much as any one to the noble result, as I apprehend it to exist, in the elevated tone of the people of Augusta.

Doubtless the highest influences of religion co-operated powerfully to accomplish what has been achieved, but I do not doubt that one of the chief auxiliaries was the stainless

purity existing for so many years among the practitioners of the law, rendered more conspicuous and patent by the extraordinary capacity which accompanied it.

I look with trembling anxiety to the young men who now compose the bulk of the Augusta bar, many of whom are my pupils, to sustain and transmit unimpaired the illustrious reputation for lofty integrity and eminent ability and learning, which has come down to them through so many successions of their predecessors, so that for the next hundred years, as for the last, old Augusta may continue to enjoy the distinction she has won.

Thanking you again for kindly remembering me in the distribution of the sketch, I am, with great respect and esteem,

Yours truly, JOHN B. MINOR.

James D. Davidson, in a letter dated Lexington, Va., January 25th, 1879, and addressed to Col. John L. Peyton, says:

"When I knew Mr. Peyton in practice in Rockbridge county, I was comparatively a young member of the bar, and I looked up to him, as a man of imperial, far seeing, commanding intellect, and in every respect as a superior being, not only as a lawyer, but as a man."

Letters and excerpts from letters to whom the little pamphlet giving an account of the presentation of Mr. Peyton's likeness to the county were sent:

Judge S. Bassett French, of Mynchester, says:

"Mr. Peyton was a wonderful man in his day, and had few peers in any age."

Col. Wm. A. Anderson, in a letter to Col. Peyton, dated Lexington, August 8th, 1894, says:

"Accept my thanks for the memorial pamphlet of your honored father. Some knowledge of his splendid gifts, his eloquence, learning and lofty traits of character had come down to me among the traditions of the Lexington bar, at which he was for many years a distinguished practitioner, and I am very glad to have in more enduring form the sketches of his life, character and services."

PROF. JOHN B. MINOR, LL. D.

University of Virginia, Law Department,
August 9th, 1894.

My Dear Sir:

I received yesterday, the pamphlet containing the account of the "Ceremonies attending the presentation of the portrait of John Howe Peyton," your honored father, to the county of Augusta, and beg you to accept my cordial thanks therefor.

I apprehend that no county in the State, nor in the United States, can exhibit such an aggregation of judicial worthies as Augusta, not merely lawyers of distinguished learning and power, but men no less distinguished for incompatible integrity. The county authorities do themselves great credit in thus commemorating the virtues and abilities which have so illustrated their community.

Among these great and good men your father was conspicuous, and well deserves to be enshrined in the esteem and admiration, not of Augusta only, but of Virginia, and the whole country. With renewed thanks for the pamphlet,

I am, yours very truly,

JOHN B. MINOR.

Col. John L. Peyton, Staunton, Va.

Hon. John W. Rieley, judge-elect to the Supreme Court of Appeals, of Virginia, says:

"I have read with deep and intense interest the addresses and all that was said of Mr. Peyton by his contemporaries, and as a Virginian I am proud of such an illustrious citizen, and congratulate old Augusta that her people have for contemplation, and emulation for all time the life and character of one of such worth and commanding ability."

Col, Jos. H. Sherrard, under date of Lexington, August 12th, 1894, writes:

"I have read the pamphlet with a great deal of pleasnre, and am glad to see this departure from the rule too long prevalent of doing honor only to statesmen and military men, and the system inaugurated of 'rendering unto Cæsar the the things that are Cæsar's.' Truly among professional men there is oft-times as much virtue, genius and patriotism as in the former classes, and this was the case as to your great and good father, and is so as to many modest citizens, who are as worthy to be commemorated. Many a youth will be taught that honor and glory are not alone to be achieved at the cannon's mouth, or in the halls of Congress, and to emulate such examples of virtue in private life. Would that this precedent of your good people could be repeated by those of every county in the State, until all of our court-houses are ornamented by their illustrious citizens. Surely we might then say: 'Lives of great men all remind us we may make our lives sublime and departing leave footprints in the sands of time.'"

John F. Lewis, Esq., writes from Charleston, W. Va., under date of October 12th, 1894:

"While it was not my good fortune to have known per-

sonally the subject of these eloquent tributes to worth, I know full well how richly deserved they are. From the days of my youth I have heard from the lips of those who knew John Howe Peyton well and honored him, the most beautiful and feeling tributes to his high toned honor, his brilliant intellect, his fervid patriotism and his spotless life. It is eminently fitting that this speaking likeness of him should adorn the walls of the Temple of Justice of old Augusta, those same walls which erstwhile echoed back his eloquent words in defence of the right."

Rev. Wm. H. Ruffner, D. D., writes from Lexington, under date of August 10th, 1894:

"I have read all [the pamphlet containing ceremonies attending the presentation of Mr. Peyton's portrait to the county] with interest and sympathy. Your father was one of the heroes of my early days. I saw and heard him often, and the impression I received of his character and abilities was correct."

Dr. R. A. Brock writes from Richmond, October 10th, 1894:

"I am thankful in the inspiration that the contemplation of so benign a presence, and the consequent retrospect of so admirable a life, will command in posterity."

Rev. Geo. Gordon Smeade, Rector of Magill Memorial Church, Pulaski City, writes:

"For the sake of the rising generation who may frequent your Court of Justice, it was most timely in placing upon her walls the portrait of so distinguished a personage as your father. He who has left so deep an impress upon the community in which he lived, and I may say also upon his age,

cannot help being an incentive to the very *highest type of virtue* and patriotism."

C. B. Thomas, Esq., writes from Wytheville, August 11th, 1894:

"I have read the pamphlet with much interest. I will have my boys to read it, hoping that they may be stimulated to strive to emulate some of the virtues which characterized your distinguished father in such an eminent degree."

Miss M. J. Baldwin, the gifted and accomplished Principal of the Augusta Female Seminary, under date of August 15th, 1894, writes:

"No one takes more pleasure in seeing your father's memory honored than I do. May his descendants ever prove worthy of so distinguished an ancestor."

FROM MRS. LOUISA DUPUY.

The talented and accomplished Mrs. Louisa Dupuy, who was intimately acquainted with Mr. Peyton and his family, and who spent much time at Montgomery Hall in early days, thus writes:

Staunton, Thursday Afternoon.

Dear Col. Peyton:

I am very much obliged for the pamphlet containing an account of the presentation and acceptance of your honored father's portrait. "Honor to whom honor is due," and I am always glad to see any indication that virtue and integrity and intellectual ability are held in high esteem, and brought prominently before the public. It is cause of deep regret, that in these pays, so much of the reverse is prominent. If I had known it in time, and that ladies were to be present on the interesting occasion, I should have gone down to the

Court House, but I do not take a daily paper and did not know of it.

I remember your father as an elegant and courtly gentleman, genial and kind to all, both old and young; and that he belonged to a noble set of such men belonging to Staunton in those days.

I have read the pamphlet through (I had read the account in the papers), and have mailed it to Sam and the boys

Your old friend,

LOUISA DUPUY.

Many other interesting letters have been received from distinguished persons in all parts of the State, from the South and West, but space does not admit of their introduction. We feel the less difficulty in omitting them, though coming from such men as Gen. G. W. C. Lee, from judges of the Court of Appeals of Maryland, North Carolina and Ohio, Hon. R. Taylor Scott, Col. Jesse E. Peyton, of New Jersey, R. L. Parish and other eminent men and lawyers, because they knew Mr. Peyton only by reputation, not personally.

MRS. JOHN H. PEYTON.

We have mentioned Mr. Peyton's second marriage, in 1821, to Anne Montgomery Lewis. The happiness derived from this auspicious union was such that it may be classed among the matches "made in heaven."

As a becoming conclusion to this compilation the following sketch of Mrs. Peyton is appended:

Among the noteworthy women of Virginia during the early part of the present century—our comparatively unknown and entirely unsung Southern heroines—was the subject of

this sketch. Remarkable for her practical ability and efficiency, her graceful and accomplished taste, the extent and variety of her literary attainments, the unselfish generosity of her heart, and her unostentatious charities, no one was more highly esteemed while living, or was more mourned when, in her bright and useful career, struck down by the hand of death. Nor is there one of those departed Matrons—the peerless women of Virginia,—whose memory is more cherished by those among whom she lived; for, it was her peculiar good fortune to be at once the life and joy of her family the "bright particular star" of the society in which she moved, and the pride and ornament of the commuity.

Anne Montgomery Peyton was born at the Sweet Springs Monroe County, Virginia, in the year 1802. Her father Major John Lewis, was a man of large fortune, having inherited this extensive and valuable estate from his father, Col. William Lewis, commonly called the "Civilizer of the border." Major Lewis was a distinguished officer of that branch of the military forces of the "Thirteen United Colonies," styled the "Continental line," and served under Washington until the close of the revolutionary war. A little more than two years after the surrender of the British Army at Yorktown, by Lord Cornwallis, October 17th--19th, 1781, namely, in the winter of 1783 when Washington relinquished the command of the army, Major Lewis returned to the Sweet Springs where he spent the rest of his life, improving his property and enjoying the society of his friends. He married, in 1795, Mary Preston, the fourth daughter of Col. William Preston of Smithfield, County of Montgomery, Mary Preston Lewis is reported to have been a woman of great personal charms and of uncommon vivacity of intellect, and of varied accomplishments. As spirited as beautiful, she was one of the true type

of that Virginia character which has made itself known and felt throughout the world.*

Mary Preston Lewis died at an early age, leaving a large family of young children, and it devolved upon the subject of this sketch, as being one of the oldest, to act the part of mother and sister towards them—a duty which she nobly performed, ever extending to them Christian care and true sympathy. The portals of Montgomery Hall were always open to receive them and her younger brothers. In fact it became the home of her sisters, three of whom were subsequently, at different periods, married from it: namely, Margaret Lynn, to John Cochran, of Charlottesville, Va., Sarah, to her cousin, Col. John Lewis, of Kanawha, and Polydora, to John Gosse, of Albemarle. Her two younger

*When little Anne Lewis left the Sweet Springs for Mr. C's school, she bore the following letter from her mother to him.

Sweet Springs, July 23rd, 1811.

Mr. Crutchfield:

Dear Sir—With the sincerest pleasure I send my dear little Anne to you again. I hope nothing will happen, not even an indulgence of my affection for her, to cause her coming home again shortly, for to you, I confide with confidence her entire education, and I hope your labors will be crowned with success by Him above, who is able to give abundantly.

It has been with much persuasion and many difficulties I have succeeded in getting Mr. L's consent to Anne and Margaret Lynn being sent to you. I need not say anything as to Anne's temper and disposition. I know your penetration is sufficient, and in your judgment and tenderness [to improve both] I have entire confidence. You can do more to improve her than I can and I know you will. I have many happy proofs of the great good, both in mind and manners, that have accompanied your exertions towards my family.

Heaven bless and prosper you, is the wish of your friend,

MARY P. LEWIS.

P. S. My respects to Mrs. Crutchfield. I have sent a cot and bedding for Anne and Lynn.

brothers, John Benjamin and Thomas Preston, also resided with her several years while attending school in Staunton.

Anne Lewis, the third child of Major John Lewis and Mary Preston, and according to contemporaneous accounts, the most favored of them all; was entered in her ninth year at the school—a school in great repute at that day—of Mr. Crutchfield, situated in the Falling Spring Valley near the Peytona Cascades, Alleghany County.*

*The following letter from John Preston, Treasurer of the State of Virginia, gives a brief account of the death of his sister, Mary Preston Lewis.

Greenfield, Botetourt County, Va ,
February 8th, 1824.

Dear Sister:

The painful duty of informing you of the death of our beloved Sister Lewis devolves on me. She expired on Wednesday the 4th, (Feb. 4th, 1824) at her home at the Sweet Springs. She had lingered for some time but no dangerous symptoms appeared in her complaint, nor was any alarm excited. She, however, became suddenly worse, and sent for Mary Woodville, who set out instantly and took with her Doctor Patterson, of Fincastle, but before they arrived she was struggling with death. She died with all the firmness of a Christian hero, firmly relying on the merits and mediation of an all-sufficient Savior, and declared that her hope and confidence were so great that death presented not one solitary terror to her, but rather that he appeared to her as a friend who was to conduct her out of this into a far better world that she had long looked forward to with ardor—and called on her relations and friends around her to witness with what composure a real Christian could die, and actually closed her eyes with her own hands.

The family are now dispersed, and the house locked up and the plantation forsaken for awhile.

Sarah, Lynn and Thomas are at Mr. Woodville's, Ben and Polly down at Mr. Massie's. What future disposition will be made of them or the property is not yet decided on. She did not make a will.

My wife is very sick and confined to her bed with something like the nettle-rash. Sarah is well and I am in my general health.

Your affctionate brother,
JOHN PRESTON.

To Mrs. Elizabeth Madison, Montgomery Co.

The reader will probably excuse a brief reference to this valley which is so remarkable for its scenic charms, the cascade being the most striking point, that one cannot pass through it without feeling the truth of Cowper's beautiful line—"God made the Country and man made the Town." The variety, the perfection, and indeed everything about a lively country scene so eclipse the noise and bustle and turmoil of a large town that I have sometimes been so uncharitable as to think that those who did not love the country, could scarcely love their Maker; but to indulge such a thought would be illiberal, decidedly wrong. And yet the country has many, many charms, peculiar to itself and of a peculiar character; and although it is certain that a vicious mind will think of God nowhere, while a pious one will behold him in everything, it nevertheless cannot be doubted that there are natural tendencies in the bustle, parade, and business of large commercial towns, to turn away the soul from God; while innumerable objects are presented in the country which lead the mind of the reflective "through Nature up to Nature's God."

The general truth of these remarks has always been impressed on our mind when in the country, and more especially when rambling during the summer through the enchanting regions of western Virginia.

In one of the lovliest spots in this picturesque land, Mr. Crutchfield had wisely established his school—no doubt influenced in his choice by its central position in the State, its retired situation and the extreme healthfulness of the climate. Amidst these rural scenes in the "sweet sequestered vale," Anne Lewis spent her early youth, making much progress in learning and acquiring a fund of valuable information. Studying with unexampled industry, she carried off the highest

prizes. But even in this, the school of highest grade at that period in Western Virginia, she was in a measure deprived of that thorough and liberal education which her ambition craved. When she completed the course and returned home it was with a painful consciousness on her part of how little she knew and how much she had yet to learn.

She often spoke in after years in a lively and amusing way of her life at this remote seminary, and of how the scholars had to rough it; of what would now be styled their hardships, but which did not seriously effect these light-hearted girls. She alluded to her own life at this season of her early joys, as smooth and pleasant, and to the valley of the Falling Spring as a kind of earthly paradise. Her opening years here and at her home at Sweet Springs, were eminently happy and this sunny morning betokened the short, but cloudless day that was coming.

Concerning their life at Mr. Crutchfield's generally she said it was not uncomfortable or unpleasant. His table was liberally supplied with whatever the country produced, such as beef, mutton, poultry, and now and again with game and fish furnished by the forests, and the mountain streams. Of foreign luxuries they saw little or nothing. Their coffee was generally roasted rye, or a mixture of rye and "Rio," and their evening drink was milk or Sassafras tea. When they visited distant friends they rode on horseback, or were crowded into Mr. Crutchfield's cariole—a kind of covered spring cart.

In their intervals of toilsome labors, and Mr. C. was far from allowing his pupils to neglect their studies, they passed much of their time gathering wild flowers in the green fields or on the mountain sides, visiting from time to time the cottages of the hearty mountaineers, whose good wives always

welcomed them with a glass of sweet milk, some new laid eggs, or delicious fruit.

It must be remembered that these hours of leisure were not given to enjoyment only,—hours so favorable to improvement were better employed. When they returned from the fields, their hands tinted with the rich purple and crimson of the flowers they had gathered, it was not the blood stain of murdered time. On the contrary they were only signs of the eagerness with which they pursued knowledge as well as pleasure, in some department of natural history, for they were always accompanied in their outdoor excursions by a teacher. Trees were waving, flowers blooming, birds singing, and insects revelling around them—the very pebbles in their pathway contained a history of the past within them; the stream flowing by them had its finny tribes, most wonderfully adapted to their element, and these lighter hours were given to an examination, almost a study, of these objects—animate and inanimate, as they came from the hands of our Creator. And it may be safely asserted that few professional botanists were deeper versed at a little later period in the virtues of various herbs and plants, and how they might be made subservient to our uses, domestic and medicinal, than was Anne Lewis.

It was during her sojourn at this school, while spending a holiday with her sister, Mrs. Massie, at the Valley Farm, that she first met John Howe Peyton, then in the zenith of his professional success and one of the handsomest and most accomplished men in Virginia. He had recently returned from active service with the army of 1812-15, of which he was a daring and enterprising officer. She was at this time in the flush of opening womanhood, at the romantic age, and listened with wrapt attention and delight to his eloquent

conversation, his graphic and animated accounts of the camp and field. She was herself rich in what has been styled with poetic license the fatal dower of beauty and was as clever as pretty. The result may be as easily imagined as told—they were speedily betrothed and shortly after her return to the paternal roof, though her beauty drew suitors for her hand from far and near, were married (1821.)

It was a fortunate marriage and brought her all the happiness promised by a union with the chosen of her heart. Her home was thereafter in Staunton for a few years and subsequently till her death at Montgomery Hall. She thus returned to the original location of her great grandfather the "lord of the hills," to pass her life amidst the scenes rendered historic by his and his brave companions' long struggle with their savage enemies and almost within sight of the ruins of that Fort Lewis, under whose stout walls the colony grew, in time, strong enough to defy every foe.

Civil life, as we know it, hardly existed in those days in Virginia; all that was powerful, all that was honored, was connected with war; the ideas of the time more or less insensibly took a military color; men's callings and necessity were in one way or the other to fight; and to fight with effect needed combination, endurance, and practice, and the rude forts of the frontier were camps or barracks where there was continual drill and exercise, fixed times, appointed task, hard fare, incessant watchfulness, an absolute obedience to officers. Armed men, with sentinels posted to give warning of an enemy's approach, tilled the fields. Cattle were herded at night around the strong places; patrols scoured the country day and night, and, in fact, all the precautions were taken which are necessary to intruders in an enemy's country. Many a dark tale of massacre has been connected with the settlement

of West Augusta; and the story of the Lewises and other pioneers, forms a romantic and memorable feature in the history of those turbulent times. Fort Lewis was the only place of security west of the Blue Ridge and south of Winchester. It was a fortress of little architectural extent or pretension, but in its associations one of the most popular and interesting of our historical places.

In her new home Anne Peyton soon developed more fully the noble qualities which so much endeared her to a numerous circle of friends and the intellectual parts by which she was afterwards so widely known. There was no object of a humane and laudable kind to which she did not devote her time and attention, but particularly was her active philanthropy displayed in connexion with the large slave population on her husband's estates. She made herself intimately acquainted with the real condition of the negroes on these plantations and set on foot remedies for the evils necessarily incident to their condition. Her labors were attended with success, and not only the physical but the intellectual and moral condition of these unfortunate beings was improved and advanced.

Happily the prosperity of Virginia was in her day so exuberant, that there was little poverty of any kind. There are, however, always cases of want to be found in every community, and these she sought out and relieved when and where the world was not cognizant. In a word she offered bread to the famishing and hope to the desperate. Her tender sympathy extended even to the brute creation. She could not patiently endure to see dumb creatures suffering from cruelty or want of proper care, and the very animals instinctively regarded her as their thoughtful friend.

Anne Montgomery Peyton became the mother of ten

children, all of whom reached years of maturity, and with two exceptions married and have families of their own, and all now survive but her second daughter, Anne Montgomery, who died unmarried in 1870, and her son Yelverton. She was, as we shall see, a most careful mother and affectionate wife, looking up to her husband as a superior being, and took upon herself the heavy burden of care in connection with the rearing and education of this numerous family, to which her husband couldgive little attention from the absorbing pursuit of his profession and the overwhelming character of his engagements.

It was truly in the domestic sphere that she most shone, and her children owe so much to her teachings and example, to her maternal tenderness and training, that the recollection of their days at the Hall is the most precious remembrance they carry with them through life.

Her mind was always active in devising means for the benefit of her children. Nor would she allow any personal inconvenience of discomfort to interfere with her plans for carrying them out. She often entered into their juvenile games and amusements with all the vivacity of her nature. Nor did it lessen the deference and respect they felt for her. She knew when to be little and when to be great. When to exercise her authority, how to enhance her influence, and the value of example in enforcing both. Thus obedience became so easy that her children soon combined the pleasure of anticipating her wishes with the duty of compliance. Of course in every family there are to be found wrong tempers, ferverish ailments, and perverseness of dispotion, and willing obedience cannot be, at all times and on all occasions, obtained however consistently authortity may be maintained. But as far a child however helpless, ignorant, and inexperienced could

be brought into habits of obedience by a judicious exercise of parental authority, without an approach to undue severity, it was accomplished by her tact and discretion.

Some one has called the boy the "father of the man," but the mother is more especially the parent of the child, forming, directing and educating its mind and heart. The very pulses of its life throb responsively with hers, from heart it springs into being and her heart should be its natural shelter and resting place while life lasts. A Christian mother she was who made the well-being for her children, spiritual and physical next to her duty to God and her husband, the object of her most watchful attention, and whether in the nursery, the play grounds or school rooms, or the household bestowed upon them the utmost care, instructing them at one time and romping with them at another.

In their sports it was, indeed, her habit frequently to join. She considered play not merely essential to a child's happiness, but to its physical, moral and spiritual well being. She therefore interested herself in the amusements of her children with as much zeal and enjoyment apparently as they themselves—thus at very little expense and trouble to herself adding greatly to their pleasures. She would now and again pull the children's wagons around the nursery, make a flag for a little boat, or dress a doll in the style of our Revolutionary matrons from a few scraps of silk and calico. She studied the characters of her different children as they were developed in play and thus gained an insight into their inner life which guided her as to their future. Some children are naturally of a robust constitution and their play is characterized by noise and action; others not so strong are of a more gentle and studious disposition, pursue the amusements in comparative quiet. She observed this and regulated her

coarse accordingly for she considered it a sign of ill health, if one of the brood sat silently and mopingly apart from the group; and at once sought the cause of such an unnatural state of things and to remove it. In the merest trifles she exercised a wise judgment and considered nothing trivial which concerned the happiness of her children. For example, so minute and particular was she that she never allowed the children to play with one particular set of toys until they had lost all their interest and were cast aside. This, she asserted, taught them two bad habits—to wear out a pleasure threadbare, and reckless destruction. She did not interfere violently to deprive the children of them, but joining in their play for a moment would suggest a change. With flushed cheeks and laughing eyes would draw them into lively romp or game of "puss in the corner," in order to get them away from a spot where they had been too long over kites, puzzles, or dolls dresses.

Few families of children indeed had more care bestowed upon them, and no one can fail to admire the good sense and tact of a mother who with such rare skill contributed to the happiness of her little brood. Often did she with a box of paints, a pencil and some paper employ the children during a wet afternoon, or in fine weather having a game of hoop or *les graces* in the grounds. Considering play one of the first necessities of a child's existence, she encouraged hers to play with all their hearts—but never to the neglect of graver studies. These were attended to in proper season. But when play time came they were free to enjoy themselves thoroughly, so that their fun did not run into michief. Thus her children associated their mother with their pleasant memories of enjoyment and she never went amongst them that her presence was not hailed with joy.

With their education strictly so speaking, she was equally particular, though her duties prevented her from conducting it herself. She saw however, that the person, Miss Lucy Stone, a native of Massachusetts and educated in Boston, to whose care they were for some years confided, and afterwards Miss Forneret, the daughter of a retired officer of the British army and educated in Paris, was worthy of the charge.

With their school tasks she was herself familiar and saw that their minds were not overtasked, and now and again cautioned Miss Stone to suit the lessons to their ages and capacities, saying "strengthen and instruct, do not tire the mind."

Sometimes she questioned them herself to ascertain whether they understood their own lessons rather than learnt them by *rote* without taking in the meaning of them. Often during hours of recreation, she spoke of the means of acquiring information and said there were five eminent methods whereby the mind is improved in the knowledge of things, namely by observation, reading, instruction by lectures, conversation and thought or study. What was meant by these terms she fully explained, and lest she might fatigue and create a distaste for learning by such serious discourse, would on occasions with much tact glide into lighter themes, and tell stories teaching valuable lessons, through this medium, every story having a moral which the young people were left to draw from the incidents of the narrative. Information was thus conveyed to their minds without fatiguing them, so that to learn from her was a positive pleasure. She taught them also to write little stories by making pleasant suggestions to them. Never shall the writer forget his admiration for her talents, readiness and efficiency when she would at their request sometimes condescend to write one herself. It was sure to be effective and set us thinking. Nor his gratitude for aid,

when he was confronted with the task of answering his first letter. A few days after its receipt sitting down in the presence of his mother he commenced a reply. His ideas would not flow in orthodox channels, he could think of nothing to say that did not have reference to the farm and stable, and begged his mother to give him some assistance. "No," she answered, "do your best, I will then examine and correct it, or write something for you."

After completing his note which was redolent as may be imagined of the farm and barn yard with its pigs and fowls, he gave it to her. She laughed heartily at his first effort, but sweetened what he thought her irony by a little praise. It was not, however, she said, the kind of letter his aunt would expect or care to read. She then in a few moments, without taking her pen from the paper, dashed off a letter of sparkling diction and fascinating humor. Surprised, amazed indeed, at her readiness and power of description, delighted at what appeared to him her wonderful success, proud of her as his mother and withal grateful for her assistance, he threw his arms round about her neck, covering her with kisses and exclaiming "Why Mamma, you are indeed a genius—a giant of the pen. I never will be able to write like that."

His first guide and his earliest critic, he soon learned from her that affection for literature which has afforded him so much solace in his chequered life. Availing herself of this occasion the mother impressed upon the son the advantages of aiming at perfection in everything he undertook.

The tenor of her remarks may be thus summarized: unless aimed at we certainly would never attain perfection while frequent attempts would make it easy. She animadverted upon idleness and indifference, remarking that in the comparatively unimportant matter of writing a letter as it

was considered, we should give it our greatest care, that it might be as perfect in all its parts as we could make it. The subject should be expressed plainly and intelligibly, and in as elegant style as we were capable of. Before writing a sentence we should examine it, that it might contain nothing vulgar or inelegant in thought or word; that we should guard ourselves against attempts at wit, which might wound, or too much levity and familiarity which was foolish and impertinent. And seek to express ourselves with manly simplicity, free of affectation. This was the usual style of Cicero's epistles and rendered them deeply interesting and improving. No one could reach such excellence, without purity in the choice of words, justness of construction, joined with perspicuity of style. That in our letters we should not attempt what is called fine writing, but have them, like our conversation, unstudied and easy, natural and simple.

In fact, she said Cicero's were the most valuable collection of letters extant in any language, written to the greatest men of the age, composed with purity and elegance, and without the least affectation and without any view to their publication, which adds greatly to their merit.

She particularly disliked extravagant, what she called "random talking," and early warned her children against exaggeration, quoting in this connection from her favorite work:—

"He that hath knowledge spareth his word, and even a fool when he holdeth his peace, is counted wise: and he that shutteth his lips is esteemed a man of understanding."

Her children were also earnestly admonished against evil speaking, as indicating a want of regard to the high and loving authority of God who has positively forbidden it,—"If any man offend *not* in word, the same is a perfect man,

and able to bridle the whole body''—such evil speaking denoted a want of brotherly love and charity, of humility in our hearts, which would teach us that we are too vile ourselves to complain of others.

In all her teachings the Bible was the basis of all direct religious instruction, its facts, doctrines, histories—the law, the Gospel. She endeavored not only to make it plain to the understanding and to impress it on the memory, but to bring it to bear on the conscience and the affections. Her children were taught to reverence the Sabbath-day, to engage in daily prayer, not only for a blessing on their efforts generally, but very especially for the ''exceeding greatness of that mighty power,'' which, whatever means are used, can alone raise us from the death of sin to the life of righteousness. The Scriptures furnished, she declared, many examples of the power of prayer. Nothing seemed to be too great, too hard, or too difficult for prayer to do. Prayer opened the Red Sea. Prayer brought water from the rock and bread from Heaven. Prayer made the Sun stand still. Prayer brought fire from the sky on Elijah's sacrifice. Prayer turned the counsel of Ahithophel into foolishness. Prayer overthrew the Army of Senhacherib. Prayer has healed the sick, raised the dead, procured the conversion of souls. Prayer, pains and faith can do anything. ''Let me alone,'' is the remarkable saying of God to Moses, when Moses was about to intercede for the children of Israel.—EXO., CH., XXXII. V. 10.

So long as Abraham asked mercy for Sodom, the Lord wen ton giving. He never ceased to give till Abraham ceased to pray.

It was Anne Peyton's belief that there is no condition in life, no oscupation or profession however unfavorable it may appear to the cultivation of religion, which precludes the pos-

sibility, or exempts us from the obligation, of acquiring those good dispositions and exercising those Chistian virtues which the Gospel requires.

In this manner this model woman sought to teach her children to persevere in the right direction in spite of all discouragements, but not to expect harvest in seed time.

She also endeavored betimes to instil in their minds prudence and practical knowledge, and repeated in this connection the significant language of a motto which she had been informed, by a traveller, was to be seen over the doorway of a Chalet in the mountains of Switzerland:—motto containing a volume of wordly wisdom—

"Speak little, speak truth, spend little, pay cash."

In the household her presence was felt from the kitchen to the attic. She ordered all the domestic arrangements—neither handing over the management of her house to the servants, or her children to nurses and governesses. She superintended in a way to see personally that all was as it should be. Careful in these matters, she was equally solicitous that her daughters should understand the proper method of regulating a household, and how to provide for the want of a family. For this purpose she instructed them herself how to purchase, or select the different articles required for home consumption: how to choose the various kinds of meat, fish and poultry, and then how properly to cook them. They were also instructed in the art of making tarts, puddings and even confectionary, many a happy evening has the writer spent with his sisters and their young school friends at what juveniles called a "toffee-party." She said this kind of knowledge made them independent of ignorant servants, and was not detrimental to the dignity of any lady, mother, or daughter. She always sought to make them adepts in the science of good house

wifery, as being the most useful and honorable knowledge for those whose destiny it is to become the mothers of families.

It may not be unteresting to say a few words at this point as to the good uses to which she applied the knowledge acquired at Mr. Crutchfield's school, of the virtues of various herbs and plants. A case of illness or an accident never occurred in the family, among either whites or blacks, numbering between 60 and 100 souls, that she was not early by the bed side of the unfortunate sufferer, and as soon as she understood the case, prompt to apply some simple, homely remedy; for she had specifics for all mortal maladies. If accidents occurred she had balasms, cataplasms, ointments, &c., &c., prepared from flowers and herbs for external application, and in cases of fevers, or other diseases, she prescribed her decoctions, draughts, electuaries, &c., and required these nostrums to be gulped down. From the hoarhound indigenous to our fields, she prepared a decoction for colds, from the wild cherry an extract for coughs, from tansey and the bark of the dogwood tree, a tonic, from camomile, a tea of reputed virtues, from the dandelion, the buds of the Balm of Gilead cures for dyspepsia, &c. In a word she was provided against all forms of disease with pills, plasters, powders, syrups, tinctures, elixirs—a whole catalogue of her own medicinal preparations. Of course the simple manner in which she extracted the virtues of these and other plants rendered them less potent and probably less efficacious than the preparations of the professional chemist, but they were generally applied or taken with good effect.

The value of her practical knowledge in such matters can hardly be overestimated, when it is considered how "few and far between" were the medical men in those days in Virginia; how difficult it was to procure drugs, or medicines and

when they could be obtained, how often they were impaired in quality by adulterations.

These brief facts illustrative of the efficient and practical character of this excellent mother, will, the author trusts, tend to direct the attention of others to the study of nature as a most useful, as well as inexhaustible source of pure and refined pleasure.

"Not a plant, a leaf, a flower, but contains a folio volume. We may read, and read and read again and still find something new—something to please and something to interest, even in the noisome weed."

Order, as may be supposed, reigned in her establishment and it was delightful to see the children assembled at table together, with clothes neatly put on, hands and faces clean, hair properly arranged, the table itself laid as if company was expected. The board at the hospitable Hall was, however, rarely spread without being enlivened by the presence of guests. John Howe Peyton's public position no less than his social tastes made it a necessity as well as a pleasure for him to see a great deal of company. He entertained the Federal and State judiciary and their respective bars during term time; the Federal, State and County officials; Congressional, Senatorial and Legislative representatives of both parties; the Rectors, Visitors and Professors of our great seats of learning; the Bishops and Clergy; such officers of the Army and Navy as were from time to time in the county, and of the Militia; and all strangers. The Hall was thus the resort of eminent persons, male and female, and it may be truly asserted that all received there lessons in accomplishments. The wisest and most gifted men found beneath that refined roof something beyond woman's prerogative, the power to call forth, as with a fairy's wand, all that is most intellectual in their masculine

natures; they found assistance and advice, as well as interest and sympathy. Eloquence, politics, philosophy were alternately discussed; and when these proved too severe, the lighter arts of conversation were successfully tried, varying to the humor of the moment.

She was, in a word, the light and ornament of her home, presiding over it with dignity and grace, looking after her children and providing for the wants of a large dependent population of negroes; and yet finding time to seek out and relieve the necessitous in the community.

Though at this time many of Mrs. Peyton's good qualities were not sufficiently obvious to the writer, such as her practical household virtues, because he was still too young to understand how much good management and general good sense is required to conduct domestic affairs properly; and fancied she took upon herself too much the duties of a housekeeper, he has had sufficient experience in after life to set the right value upon them, and to do her full and ample justice.

In those days it was his great delight to see her in company, displaying her wit and knowledge. She acquitted herself so well, never asking a silly question, or giving a foolish answer and sustained her part by her general abilities and knowledge so admirably in intellectual conversation, and inspired such respectful attention from clever men that he keenly appreciated her accomplishments and was as proud of her talents and address, as he has since been of her character, which comprehending fully in maturer years he recognizes as a combination of all that is noble and excellent.

With this insight into her character and domestic life it is easy to understand that she was universally respected and drew all, more especially her children, to her by the cords of love,—that perfect confidence existed between her and them,

They felt they could trust her with the full faith of innocent childhood, and never did she turn them away by coldness, sending back the warm current of their love chilled to its source: never did she check the outpourings of their confidence by severity; never did they turn from her grieved and disappointed by want of sympathy.

To the writer she was peculiarly affectionate, kind and considerate. She never wearied of imparting good advice to him making opportunities to expatiate on certain virtues and vices. She particularly dwelt upon the necessity of industry, if a young man wished to secure anything good, valuable, or worth having in this world. The substance of her teachings was that the world and all things around us, remind us of the necessity of labor, for though the earth, by the blessing of the Almighty, produces food sufficient for man and the various animals that inhabit it; yet, without labor, it would become a wilderness, covered with briars and thorns. But besides food and clothing our nature required that we should provide shelter against the inclemency of the weather; these are continual calls upon us for self-exertion which contributed as much to our happiness as to health. Moderate labor promoted the free circulation of the blood, and carried off disorders, which indolence would occasion; the laboring man eats his bread with an appetite to which the idle and the voluptuous are strangers; his sleep is sweet, and his rest undisturbed. As for industry it was rewarded in many ways: "The hand of the diligent maketh rich. He that gathereth in summer is wise, but he that sleepeth in harvest causeth shame."—Prov., ch. x, v. 4. "He that would thrive, should rise by five;" and as Poor Richard observes, "Himself hold the plough or drive."

"The difference between rising at five or seven in the

course of 40 years, supposing a man to go to bed at the same time he otherwise would, amounts to 29,000 hours, or three years, 121 days and 16 hours, which will afford 8 day for exactly ten years; so that it is the same as if ten years were added to our lives, in which we command 8 hours a day for our improvement in useful things."

But besides lengthening, industry sweetens life; the habitation of the industrious man is comfortable and clean, and his careful wife is truly his counterpart, always usefully employed. Difficulties in this life, however, must be expected —they should not depress or discourage us,—they were necessary to quicken us to exertion and disappeared before a determined resolution to accomplish our object. Even in Paradise man was not allowed to be idle: "The Lord God put him into the Garden of Eden to dress it and to keep it."—Gen., ch. ii, v. 15. And ever since the fall, as part of the curse entailed by sin and mortality, its consequence, the sentence of God has come forth—"In the sweat of thy face shalt thou eat bread."—Gen., ch. iii, v. 19. The very angels of Heaven were ministering Spirits who performed the Divine will cheerfully, actively, and diligently. A man's affairs run fast to ruin who allows his powers to lapse into indolence and sloth, and thus according to the wise man: "He becometh poor that dealeth with a slack hand; but the hand of the diligent maketh rich;" and "seest thou a man diligent in business; he shall stand before Kings; he shall not stand before mean men."

This was the general direction of her thoughts when in graver moments she sought to prepare her children for the career of life. Having represented the means and the value of success in worldly matters lest the imagination might be unduly excited, she would suddenly remind them that there

was a purer, brighter, nobler world than this; a world where there is no ignorance to darken, no error to mislead, no infirmities to lament, no enemies to assail, no cares to harass, no sickness to endure, no changes to experience, but where all will be perfect bliss, unclouded light, unspotted purity, immortal tranquility and joy.

It is easy to understand that their childhood was happy, and that all their recollections of it are associated with their mother, who in her capacity as wife and mistress of the family was responsible, by reason of their father's repeated abscences, for the general arrangement and combination of the different elements of social and domestic comfort. She was arbiter in all their trivial disputes, the soother of all jarring and discord, the explainer of all misunderstandings, and in short the main-spring of the machinery by which social and domestic happiness was constantly supplied both in her household and within the circle she adorned.

In the wider sphere, beyond the family circle, she was known by acts of benevolence, rather than as one endeavoring to conform to the world. She did not strive at the same time to be a follower of the fashions and maxims of the world and a friend to Him who has declared "The friendship of the world is enmity with God: Whosoever therefore will be a friend to the world is the enemy of God."

Her piety was sincere and unostentatious. Her religion was that of love and good works. Her daily life was her most beautiful teaching and all her children, more particularly the elder ones, carry into their lives the influence of the time spent in daily intercourse with her.

Yet she did not neglect the cultivation of social happiness—only she knew where to draw the line between light and darkess—how to enter into and enjoy the blandishments

of society without lapsing into worldliness of spirit. In conversation she was ready, animated and interesting, and impressed all with her superiority.

After her marriage Anne Peyton devoted every hour she could appropriate from other engagements, for several years, to a regular course of reading, and to the end of her life gave much time to books. She was familiar with the classic authors of the Grecian and Roman worlds, and the choicest belonging to our English and American literature. From them she quoted freely both in conversation and letters. She was particularly fond, among the poets, of Chaucer, Shakespeare, Milton, Dryden, Pope, Cowper, Gray, Burns, Wordsworth, Byron, and of those pleasing essayists, Addison, Goldsmith, Dr. Johnson and Washington Irving. Under the advice of her husband she read the histories of Robertson, Hume, Gibbon, Prescott and Bancroft, and the novels of Defoe, Richardson, Fielding, Scott, Cooper and Irving.

In public affairs she was well informed and took a lively interest. A supporter of the Old Whig party, few man, not in public life, were more thoroughly acquainted than herself with political affairs. Conversative in her feelings, she strongly disapproved the ultra democratic opinions of "Old Hickory" and his successor in the Presidency, Martin VanBuren. Periodical election for offices; the ostracism of political opponents; the extension of suffrage to non-property holders; the recurrent election at short intervals of Judges by popular vote, she considered one and all fatal innovations on our ancient laws. It was her belief that such measures would lead to degeneracy in our Statesmen, drive from public life the better class of citizens, and let in demagogues, and with them introduce peculation, public plunder, and general corruption and incompetency. And the recent (1874-75) disclosures at Washington

of bribery in connection with the War-office under General Belknap, one of the principal Secretary's of State, the trial of General Babcock, the President's private Secretary, for complicity in the Whiskey frauds, the credit mobilier combinations, or "rings," and other instances of official rottenness and corruption go a long way to establish her far seeing sagacity. A true lover of her country, she exercised her power as a Christian mother to inspire in the hearts of her children a profonnd and thrilling sense of patriotism.

In every respect a remarkable and attractive character, her history may be safely studied as a model and example. There is not a house in Virginia where the story of her domestic virtues, were it properly told, would not be welcomed, and in which it would not do good. Had she not been encumbered with the cares of a large establishment and the rearing of a numerous progeny, to both of which she devoted herself with thorough self-abnegation, she would doubtless have turned her attention to the pursuit of literature and might have rivalled the fame of Hannah More, Maria Edgeworth, Caroline Burney, Frederica Bremer, Mrs. Stowe, or any of the distinguished female writers of America, past and present.

A true type she was of the mothers of our Colonial and Revolutionary era, the mothers of those great and good men, bred amidst the trials of the border, who founded our Government upon the principles of liberty, equality and fraternity.

This is the picture, roughly sketched, of the character of that excellent woman attempted to be brought out by brief forcible touches from personal impression of her leading features, rather than by carefully weighed and balanced summaries. She was "one of many," a model of the mothers of Virginia from whom have sprung that long list of illustrious

sons from Washington and Lewis to Lee and Jackson, men who have shed imperishable glory upon their race and country, and won for Virginia the proud title of being the "Mother of Statesmen as well as of States.

In April 1847 a great sorrow fell upon that happy home of Montgomery Hall, by the death of the great and good head of it.

Shortly after this event her health failed and she died surrounded by her children, July, 1850. An event of which the writer has never lost the impression, and in connection with which more than once have Gray's words recurred to memory, when, near the close of his life the poet, in writing to a friend says:—"I had written to inform you that I had discovered a thing very little known, which is, that in one's whole life one can never have more than a single mother. You may think this obvious and what you call a trite observation, You are a green gosling! I was at the same age very near as wise as you; I never discovered this with full evidence—I mean till it was too late. It is thirteen years ago and seems but as yesterday; and every day I live it sinks deeper into my heart."

So it is in the author's case, he never knew the extent of his misfortune until it was irreparable. And now when looking back upon her life, after a quarter of a century, it is with a sorrow chastened, and brought into subjection, but not obliterated by time! Taking a retrospect of her life the writer can think of nothing with which her friends could reproach her, unless it be a disregard of her own health and comfort.

So unselfiish was she that it pleased her most to bestow upon others the best of every thing she could obtain. If her charities and sphere of usefulness were limited it was no fault of hers—within her sphere she did her duty and her whole

duty. All her actions sprang directly and solely from a sense of duty and was sustained by a healthy delight in its performance. Her life was a sincerely happy one. She was happy in her marriage and in her children, in her literary and domestic pursuits. She busied herself in philanthropic and educational reforms, and was one of the warmest advocates of the foundation of the Virginia Female Institute in Staunton, one of the most flourishing colleges the Southern States for the education of women. To this fund John Howe Peyton liberally subscribed, and he was President of the first Board of Trustees.

Although of an impulsive nature, her religious feelings, like her social, were deep and permanent. Socially she was genial and companionable and a favorite with both old and young. With the young she was ever ready to talk and encourage them in their plans and studies, and she always had sympathy, advice and counsel for old and young when in trouble.

Her temperament was naturally somewhat quick. She was conscious of this infirmity and happily overcame it. Not giving herself credit, however, for the patience she had acquired, she has often with a womanly tear in her eye, regretted to the author that she was so easily excited and in the excitement so precipitate. She begged her children to be on their guard against such an enemy to our peace, quoting, "he that is slow to anger is better than the mighty; and he that ruleth his spirit than he that taketh a city."

In our intercourse with society, she urged that it was our duty to curb any tendency to hastiness of temper, for as a gentleman cannot take an affront, she said, he should be very cautious how he gives one; we should persevere in all that is right, and allow no weak desire of pleasing to tempt us from

the paths of virtue. In this way she proved herself the sincerest of friends and the wisest of counsellors, and prepared her sons for "The court, the camp, the field, the grove."

Such in general terms was this model matron, this "mother in Israel" who deserves more than this brief notice, especially from her children whom she loved so well. This simple outline of her character and career, it is hoped, may not be considered unworthy of perusal. Gentle, affectionate and lenient, she was beloved by all who knew her. Happy in herself, she diffused happiness not only through the immediate circle which she, like a star illumined, but warming with a brilliance as effective as beautiful, all within her range.

Her understanding was good as her heart, and few human beings ever lived blest with a more cheerful disposition, a more generous spirit or a tenderer soul.

TO THE MEMORY OF

MRS. ANNE MONTGOMERY PEYTON.

OF "MONTGOMERY HALL," AUGUSTA COUNTY, VA.

True daughter of Virginia's soil,
Scion of a noble race,
Thy virtues, tho' by bards unsung,
Hold in fond heart's a place,
Which time with its dark sullen tide
Can ne'er dim or efface.

Reared in a "sweet sequestered vale,"
Where flowers the fairest grew,
And blossoms on their native hills,
In beauty's varying hue;
Mere crystal streams down Mountain's side
Bright sprays of silver threw.

And thou, so like those blushing flowers.
Whose buds the Sun's soft ray
Had kissed, until new beauties burst
With every dawning day,
And thy young heart free as those streams
Whose waters idly play.

Endowed with learning's richest gift,
A bright peculiar star,
Thou mov'dst in social widening range,
With not a shade to mar
Or dim the lustre soft and bright
That blazed and shone afar.

The mystic spell of nature's charms
Thy being closely bound,
And in each changing, passing scene,
Thou some new pleasure found,
And youthful hopes, and youthful dreams,
By fortune's smile was crowned.

And when removed to other spheres,
The love that warmed thy breast
Shed 'round its rays with power that soothed
Sad, aching hearts to rest,
For of all gifts to fellow-man
Sweet sympathy's the best.

Then children gamboled 'round thy knee,
In chidhoods glad delight,
Thy watching eye marked well the road
Which led them to the right;
The straight and narrow way which leads
Up to the heavenly height.

True daughter of Virginia's soil,
Mother of an honored race,
Thy memory in thy children's hearts,
Still holds its loyal place,
And years in their mad sweep and rush,
Will ne'er dim or efface.

Wren's "Echoes from the heart," p. 214.

APPENDICES.

A.

THE DESCENDANTS OF JOHN H. AND ANN M. PEYTON.

1. Susan Madison Peyton, born 1822, m. Col. John B. Baldwin, no issue.
2. John Lewis Peyton, born 1824, m. Henrietta E. C., daughter of Col. John C. Washington, of North Carolina, and niece of Gov. Wm. A. Graham, Hon. James H. Bryan, etc., and have issue, one son, *Lawrence Washington Howe Peyton*, born 1872, a distinguished graduate V. M. I., having taken the 2d Jackson-Hope medal and the degree of C. E. In 1894-'95, Capt. Lawrence W. H. Peyton, after a law course at the University of Virginia, is Assistant Professor of Mathematics in the Virginia Military Institute, Lexington.
3. Anne Montgomery Peyton died unmarried.
4. Mary Preston, m. R. A. Gray and has issue: 1. Robert; 2. Susan Peyton, m. to Rockingham Paul, brother of Hon. John Paul, United States District Judge for Western Virginia, and have one son, John Gray Paul; 3. Isabella, m. Dr. Salmon Welsh, of Annappolis, Md., one daughter; 4. Howe Peyton Gray, m. Bessie Massie and has issue, two children: 1. Sally Waterman; 2. a son; 5. Preston L. Gray, who m. Mary S. Bingham, of North Carolina, and has issue, one daughter. Mrs. Gray and all of her children, except Mrs. Welch, are residents of Bristol, Tenn.

5. Lucy Garnet Peyton, m. Judge John N. Hendren, of Augusta, and they had a large family, but only one living; 1. Anne Peyton, m. Wm. Patrick, of Staunton, and at her death left an only daughter, Anne Hendren Patrick; 2. Samuel R. Hendren, a distinguished graduate of Washington and Lee University, and in 1894-'95 a student of Johns Hopkins University, Baltimore.
6. Margaret Lynn Peyton, m. George M. Cochran, of Staunton, and they have living issue: 1. Susan Baldwin; 2. Anne Peyton; 3. John; 4. Margaret Lynn; 5. Peyton Cochran.
7. Elizabeth Trent Peyton, m. Hon. Wm. B. Telfair, of Ohio, and at her death left three children: 1. Wm. B. Telfair, Jr. Susan Peyton Telfair m. James Dougherty, and they have two sons.
8. Yelverton Howe Peyton, who died unmarried in Texas.
9. Virginia Frances, who m. Col. Joseph.F. Kent, of Wythe, and have issue: 1. Joseph F.; 2. Susan Peyton; 3. Mary Preston.
10. Cornelia Bernard, m.: 1. Dr, Thos. Brown, and they had issue: J. B. Brown and Peyton Brown. After Dr. B.'s death, she married Wm. H. Greene, and they have issue, two sons, Peyton W. and Newport Barnett.

B.

MRS. SUSAN M. BALDWIN.

Susan, the eldest daughter of this marriage is so remarkable for the vigor of her intellect, her literary tastes and acquiremenis, for her unselfish generosity of heart, her noble charities and lovely christian character, that we insert with

much pleasure from the Spectator of 1891, the following tribute.

A VENERABLE AND RESPECTED LADY.

Mr. Wm. P. Johnson, now (1891) in the his 58th year, recently read to the Supeperintendent, teachers and scholars of the Staunton Baptist church, an interesting account of his connection with Staunton Sunday Schools. In his narrative he says, "I can remember the old school-room in the basement of the old (Episcopal) church, which stood where the new (present) church stands, and the first teacher who taught me, I will give the name of, and it will be the only teacher whose name I shall mention. It was then Miss Susan M. Peyton, who was after several years teaching, married and became the beloved wife of one of Augusta's most brilliant and gifted lawyers, the Hon. John B. Baldwin. I shall never, no never forget the kind Christian teachings of that grand and noble Christian lady. It was in this school, through her teachings, that I first learned of that dear Saviour, who came into the world to suffer and die that I might live:"

The publication of the above affords us the pleasing opportunity to say that Mrs. John B. Baldwin still survives in our midst near seventy years of age, but so impaired in health by a severe illness some years since, that she rarely leaves her house, ann then only in a carriage. She is an object of universal love and respect: all venerate her for her piety, accomplishments and charities. None know her but to "love her, nor name her but to praise." A woman of gifted intellect, under the eye of her good amiable mother, she enjoyed every advantage which precept and example couid afford, and no daughter was ever more sensible of the obligations which she owed to maternal care.

To a liberal and munificent spirit she joins charity, phi-

lanthropy and beneficence and an uncommon share of dignity and firmness of spirit, for while she converses with the lowly, even with her servants as her humble friends, no one knows better how, in the highest society, to support their due consequence and state. She is a great reader and full of general information and can discourse on easy and equal terms alike with scholars, statesmen or divines. Few indeed excel her in wit and judgment. At Montgomery Hall, the charming home of her eminent father, Hon. John H. Peyton, she met nearly all of the distinguished men and women of Virginia, of his day, and has since mingled much in the society of Richmond, Washington and New York, making the acquaintance of the Websters, Clays, Fillmores, Tylers, Tuckers, Randolphs, Lees, Davises, and in fact all the leading public men of the country before and after 1861. Such were her personal charms and the vivacity of her conversation and manners that she was the life and ornament of every circle graced by her presence. The late Jucge H. St. George Tucker, father of Hon. J. Randolph Tucker, who was, like Blackstone, a poet as well as a jurist, wrote some beautiful lines addressed to her on her entrance into Richmond Society in 1839, which we hope some of these days to give in our columns.—*Staunton Spectator, March 11th, 1891.*

C

CONTENTS OF A PIGEON HOLE.

We cannot resist the temptation of preserving here the contents of a pigeon hole in our desk.

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A LIST OF PEYTONS IN THE REVOLUTIONARY ARMY.

1. Peyton, Dade, cornet 4th Continental Dragoons, 1779, lieutenant June 2, 1779, served to 1783.
2. " Henry, major, and killed at Charleston May 12, 1780.
3. " John, 1st Lieutenant 2nd Virginia Regiment, 1776, wounded at the battle of Brandywine 1778.
4. " Robert, of Virginia; 2nd Lieutenant 3d Va. Regiment, 1777, killed at Brandywine Sept. 11, 1777.
5. " Valentine, Captain 1777, killed at Charleston, S. C.. May 12, 1780.
6. " William, of Kentucky.
7. " John Rowze, 1776 to 1783, the "hero boy of '76."
8. " Robert, of Tennessee, killed by the Indians.
9. " Yelverton, of Virginia.
10. " Captain John, 1776, Clothier General 1779, Quartermaster General 1782, of Fluvana Co.
11. " Harrison, Captain 1776, of Albemarle Co.
12. " Colonel Henry, Co., Lieutenant of Prince William 1755, Member Legislature 1761, Sheriff 1779 (see Sharp, life of Washington, vol. 2nd, p. 73.) From whom descends Col. John B. Baldwin, and Mrs. A. H. H. Stuart.
13. " Major Henry, of Lee's Legion, died in the serivce.
14. " Timothy Killed by the Indians in Ky., 1786-7.
15. " Colonel Francis, of Loudoun, Colonel 1776, Member of Va., Convention of 1776. Member of Legislature 1780, of the Senate 1789 to 1803.
16. " Francis, M. D., Surgeon in Lee's Legion. Washington said he and his brother were two of

the best officers in the army. (see Sharp, Washington, vol. 11, p. 273.)

17. Peyton, Yelverton, of Stafford, Va., born during the Revolution and ensign in U. S. A., 1st Infantry 1794.

18. " Valentine, M. D., Surgeon in Rev'y. army, brother-in-law of Col. Wm. Washington, of S. C.

19. " Ephraim, of Tenn., served 1774 vs. the Indians, from him Balie Peyton springs, also Cheif Jus- E. G. Peyton, of Mississippi.

20. " Capt. Valentine 3rd Comp., 3rd Va., Reg't 1778, from him springs Col. Charles L. Peyton, of Greenbrier Co., W. Va.

21. " John jr., of Frederick Co., from him springs Capt. Wm. L. Clark, Peyton Randolph, late of the R. & D. Railroad, John S. Peyton U. S. A., and H. J. Peyton, the old Clerk of the Staunton Chancery Court.

22. " George, ensign to Rev. Army 1776, ancestor of Col. George L. Peyton, of Glendale, Augusta Co.

23. " George of Ky., Continental line 1776.

LIST OF PEYTONS IN THE U. S. ARMY.

1. Peyton, Yelverton, of Virginia, ensign in sub-legion, Aug. 1st, 1794; lieutenant 1799; resigned June, 1800.

2. " Garnett, of Virginia; captain in 8th Infantry, 1799.

3. " Francis H., of Virginia, surgeon in 7th Infantry, 1799.

4. " Robert, of Virginia; captain in 2nd Infantry, 1812; died 1813.

5. Peyton, James R., of Virginia; captain in 1st Infantry, 1813; died 1814.
6. " John S., of Virginia; captain in 2nd Infantry, 1813; resigned 1816.
7. " Bernard, of Virginia; captain 1813; resigned 1816; Adjutant General of Virginia and ex-officio President of the Board of Visitors of the Virginia Military Institute 1839-'40.
8. " Richard H., of Virginia; a distinguished graduate of West Point, standing among first in his class; lieutenant of artillery 1831; captain 1838; served in the Seminole War, Florida, and died November 11th, 1839, while on duty at Tampa, in Florida, and P. M, of that place. He was one of the 12 persons who bought the land and laid out the city of Chattanooga, Tenn., forseeing its future importance.
9. " Balie, of Tennessee; member of Congress in 1833; United States District Attorney for Louisiana 1837; in 1841 appointed Secretary of War by President Harrison, but declined to accept it under President Tyler; colonel of 5th Louisiana Regiment in the Mexican War; aid to Gen. W. J. Worth and mentioned for gallantry in the battle of Monterey; voted a sword of honor by Louisiana, said sword is now a trophy of the Civil War and in the capitol of Minnesota. He was envoy ext. and minister plenipotentiary to Chili from 1849 to 1853; presidential elector on Bell and Everett ticket in 1860; member of the Senate of Tennessee 1865-'1869. The town of Peytonville, Tenn., named in his honor. Recommended by Thurlow

Weed to President Lincoln for Sec. of War in 1860 (see 5th vol. of C. L. Webster's history of American Literature.)

EARLY LAND GRANTS TO THE PEYTONS.

Peyton, Henry, Book 4, p. 255, 400 acres in Westmoreland Co., Va., Nov. 1st, 1657.

" Valentine, Book 4, p. 426, 1600 acres in Westmoreland Co., July 20th, 1662.

" Major Robt., Book 7, p. 81, 1000 acres in New Kent Co.. April 23, 1681.

" Robert, of Gloucester, Book 7, p. 233, 150 acres in Kensington parish, Gloucester Co., Va., Feb. 20th, 1682.

" Thomas, Book 17. p. 524, 100 acres in Gloucester Co., June 16th, 1738. (See Benning, vol. 3, p. 566, and Land Registry office).

ANECDOTE OF GEN. PEYTON OF KENTUCKY.

It was customary, thirty years ago, for the ladies to attend political pic-nics, or "barbacues" as they are called "out west." This was particularly the case in the exciting contest between General Leslie Coombs and John C. Breckenridge for a seat in Congress in 1840. Out of this affair grew the authentic story of the beautiful widow—called the "gem of the prairies." Not far from the Elkhorn river lived the pretty little widow; Mrs. Fauntleroy, whose nearest neighbor was Major-General John Peyton. The gallant general looked upon the widow very much as he did upon his thorough-bred horse, Powhatan. She was the finest wo-

man and Powhatan the finest horse in the "Blue grass" district. Mrs. F. had mourned the loss of her husband more than twelve months; while the General--who was punctilious as to etiquette--waited patiently for the time to elapse in order to propose. The widow kept, with a woman's art, her lover at bay. He with her attended a pic-nic and on their return he declared his confidence in the success of the Whigs. The widow was equally confident of the success of the Democrats and offered to wager her palfrey "Gipsy" against Powhatan--the General accepted the wager and said, "it should be Powhatan or anything else she preferred on his estate." They had now reached the river (Elkhorn) and were about to ford it, when they were overtaken by the General's only son and heir John Peyton, an athletic and spirited young Kentuckian of 24 years. The party struck into the water. The east bank was steep and slippery, and as the horses were clambering up, the girth of Mrs. F.'s saddle broke, and the lady and saddle fell back into the stream, while the unincumbered horse mounted the bank with the swiftness of an arrow. In an instant John Peyton leaped from his horse into the stream and seizing the floatiag lady bore his lovely burden to the shore. The frightened lady recovering her self-possession requested the General to secure her horse, which was making off rapidly. The General disappeared and soon returned with the animal, finding his son and the widow in fine spirits and very merry over the adventure. She was soon mounted again and proceeded home with the General, while John struck across the meadows for his father's mansion. On reaching the Fauntleroy seat, General Peyton was easily persuaded to remain to dinner, after which the widow entertained him with some of her sweetest music. When he bid her adieu that night, his ponderous frame thrilling with the electrical touch

of her hand, he inwardly felt that she was the most perfect woman and sweetest songstress in all Kentucky.

That night in his dreams the little widow was so often repeated that he resolved to propose on the next meeting. Business called him to Louisville the next day and detained him until after the election which resulted in the defeat of the Whigs and in the election of Breckenridge. General Peyton was both astonished and indignant.

"Mr. Clay's district has disgraced itself," was almost his first remark to his neighbor, Colonel Beaufort.

To his son John, he communicated his intention of bringing Mrs. F. to adorn his establishment.

"Sir, she is" said he, "the finest woman in Kentucky—the pride of the "blue grass" district. I hope you will, notwithstanding her youth, treat her with deference and respect, and yield her the love she has a right to expect from my son!"

John, with a quiet but knowing smile, assured the General of his determination to accord affectionate respect to whomever he might choose for a wife. The old soldier was delighted and ordered Powhatan to be led to Mrs. Fauntleroy's. "Sir," said he to his son, "the Whig party has disgraced itself and Mr. Clay's district, and I must part with my favorite horse Powhatan, who has no equal in the Commonwealth, I have just ordered him to be delivered to Mrs. F. and am about to call, will you accompany me?" The son consented, and when they arrived they found Mrs. F. and two lady friends admiring the splendid animal.

"Madam," said the General, addressing the pretty widow, "I have come to pay the wager I have lost—Powhatan is yours."

"But General," interposed the lady, "I believe the wager

was conditional. It was the horse or anything else I might prefer on your estate, was it not?"

"Right you are madam," said the General, but I can never allow you to select an inferior animal, and I have none that approaches Powhatan."

"You have a very superior biped on your estate, General," replied the blushing widow, "your son, John, whom I have already promised to accept instead of Powhatan."

The astonished General, defeated for the first time, summoned his fortitude, and after recovering from the stunning effect of the widow's speech, rose and in his blandest manner bade the party adieu. To his son he said--"Sir, you will remain and do your duty."

The General never entirely forgave his daughter-in-law her practical joke. In after years he used to say, "Lilley is the finest woman in Kentucky, but she always lacked taste."

COL. HENRY PEYTON—A HERO OF 1776.

INTERESTING LETTER FROM JEFFERSON TO C. PEYTON, OF ALBEMARLE.

We publish below an interesting letter written by the illustrious Jefferson, author of the Declaration of Independence, to his connection, the late Craven Peyton, Esq., of Monteagle, Albemarle county, Va. Craven Peyton was one of the first gentlemen of his day in Virginia, but his tastes were social and literary rather than political, and he passed a long and useful life in the quiet of his plantation, loved and admired by all who enjoyed the privilege of his friendship and partook of the elegant hospitalities of his old Virginia home—one of the stately mansions and most extensive landed

estates in Virginia. He married Miss Lewis, a niece of the President, and left among other issue a son, Charles L. Peyton, of Greenbrier, now surviving at an advanced age, and a daughter who married an esteemed townsman, William C. Eskridge, Esq., the father of William Peyton Eskridge, of this city. Craven Peyton was a nephew of the Revolutionary patriot, Colonel Henry Peyton, whose third and last son, old enough for military duty, was killed by a cannon ball from the British fleet during the siege of Charleston, S. C. He fell into the arms of the late Lieut., afterwards Gen. Porterfield, of Augusta, who immediately communicated the sad intelligence of his death to his father. Col. Peyton, when he heard of it, was struck dumb with grief, but in a moment recovering his equilibrium and self-control, exclaimed. "*Would to God I had another to put in his place.*" Such was the stuff of our Revolutionary heroes. Col. Henry Peyton was the father of Miss Fanny Peyton, wife of Chancellor Brown, and great-grandfather of the late distinguished and still lamented Col. John B. Baldwin and Mrs. Alexander H. H. Stuart: *

Monticello, August 12, 1821.

Dear Sir—Instead of answering your letter yesterday, I desired the bearer to tell you I should see you at Monteagle to-day, being anxious, also, to see my sister before I set out for Bedford, whom you mention to be still unwell. I accordingly mounted my horse just now to visit you, but found him so lame I was obliged to turn back. With respect to the fod-

*From this branch of the Peytons are also descended Mrs. J. M. Ranson, of Jefferson county, W. Va., Captain William L. Clark, of Winchester, Va., Mrs. R. T. W. Duke, of Albemarle, the late Judge J. E. Brown, of Wythe, Mrs. Hunter McGuire, of Richmond, Mrs. Robert Gibson, of Cincinnati, and many others of worth and distinction in Virginia, the South and West.—R. A. B. in Richmond Standard.

der I had, on Mr. Bacon's suggestion, searched for and found the account of it, which he had given me at the time and I had forgotten; that, therefore, is right and there can be no difficulty between us. I have not yet learned from Mr. Estor Randolph when he will be able to make me payment. The moment he does I will transmit to you. I have not yet urged him, because I know he is a most anxious man always to pay a debt and that he will soon inform me. With respect to —, if he ever becomes a sober man, there will be no difficulty of reconciliation on Anne's account, but as long as he is subject to drink, his society is dangerous and we shall reject it.

I shall be glad to know the exact state of my sister's health: and pray, if she needs it, that Dr. Watkins may be requested to attend to her, and to place it on my account. I shall not stay more than a week in Bedford.

Affectionately yours,

Craven Peyton, Esq. TH. JEFFERSON.

OLD LETTER OF COL. JOHN L. PEYTON.

TO HIS UNCLE, MAJ. T. PRESTON LEWIS.

Shirley, near Staunton, Feb'y 28th, 1858.

Dear Uncle:

I was much gratified to get your letter, brief as it was, a few days since, and was surprised to hear that you had been so long and so seriously indisposed. I hope by this time you have entirely recovered, and if not, I must renew my suggestion and invitation to you again. My suggestion that you ought to leave Washington for a time, and my invitation that you should pass that time in the fresh air and quiet comforts of my house at Shirley. By coming and staying a month or two with me you might be permanently improved in health,

and it would not, as you seem to apprehend, increase your expenses, or cut off your salary in Washington. Gov. Floyd, under the circumstances of the case would not hesitate to grant you a furlough. The pleasure I would enjoy from your society would be very great, and my wife asks me to assure you that nothing would give her more pleasure than to have you come.

The weather here is charming, and spring-like, which is something unusual at this season, but is what we expected after the vile "spell" we have had for the past five weeks.

Staunton has been quite up in the books this winter between lectures, concerts, auctions, exhibitions and other pastimes and amusements.

Among the eminent strangers we have had lecture here, was George D. Prentice, of the "Louisville Journal." I did not hear his lecture, but dined with him one day while here at Judge J. H. McCue's, and confess I was not much impressed which is still further evidence of the soundness of the opinion I formed when travelling west in 1848, namely: The farther I went west the more convinced I was that the wise men came from the East.

Few persons left here for Richmond on the 22nd, and those who did were so worried by the great crowd that they saw little, and enjoyed what they saw, less.

Everets* oration surpassed any anticipations I had formed of it, while Hunter's fell far below the public expectation. What can compensate a man for falling below the public estimate on such an occasion! It almost drives a man to believe every effort a mockery—and that he is apt to reap by his efforts not fame, but despair.

Crawford's statue of Washington is said to be the finest

*Edward Everett's Oration on Washington.

specimen of the kind extant, by the side of which that hob-by-horse concern, Mill's Statue of President Jackson, in Washington is a miserable failure. The "horse" of Crawford is agreed to be above praise, while that of "Mills," in front of the President's house is said to be a ewe-necked tacky, a mealy-mouthed, wall-eyed brute, who looks as if old Jackson, in the language of a Tennessee poet:

> "Had placed on him a bridle and a saddle,
> Then on his back had leapt astraddle."

and had been ever since fastened there by iron rods, which are said to run up the horses hind legs, keeping him on an equipoise, and forever facing the White House.

Among those who were attracted to Richmond was Howe, but what, (if any) impressions were made on his mind, is not known, as he has since observed a severe silence.

I was not surprised to learn of the rage for fashion and extravagance in Washington. It is always so with the *parvenues*, whether in Washington or on 5th Avenue. The "new-rich" have no other way of bringing themselves into notice and contempt. They constitute a beastly crew, who change their principles much oftener than their linen. I cordially participate in your feelings of disgust for such a gang.

Betty joins me in affectionate salutations. Hoping to hear from you soon, I am dear Uncle, as ever,

Your affectionate nephew,

JOHN LEWIS PEYTON.

Thos. P. Lewis, Esq.,
War Department,
Washington, D. C.

LETTER OF COL. JOHN LEWIS PEYTON.

A DISPUTED POEM—PROOF THAT THE EARL OF DERBY DID NOT WRITE THE POEM TO GENERAL LEE.

Staunton, Va., December 3, 1877.

To the Baltimore Gazette:

In your paper of the 30th of November you introduce the following lines, with the remark, "*On the fly-leaf of the copy of the Iliad given by the late Earl of Derby to General Robert E. Lee were the following verses:*"

The grave old bard, who never dies,
Receive him in our native tongue;
I send thee, but with weeping eyes,
The story that he sung.

Thy Troy has fallen—thy dear land
Is marred beneath the spoiler's heel;
I cannot trust my trembling hand
To write the grief I feel.

Oh, home of tears! But let her bear
This blazon to the end of time;
No nation rose so white and fair,
None fell so pure of crime.

The widow's moan, the orphan's wail,
Are round thee; but in truth be strong;
Eternal right, though all things fail,
Can never be made wrong.

An angel's heart, an angel's mouth,
(*Not Homer's*) could alone for me
Hymn forth the great Confederate South;
Virginia first—then Lee.

Permit me to say that you are in error in attributing these lines to the late Earl of Derby. Lord Derby was an eminent statesman, as well as distinguished scholar, and during the whole period of the civil war in our country was the leader of the opposition, or Tory party in the British Parliament. Never during this time did he criticise adversely the policy of Lord Palmerston in refusing recognition to the Confederate government. So far from it, he distinctly and repeatedly announced his concurrence in the course of the British cabinet. Had he been at the head of her majesty's governmeut at that period I am satisfied that he would have adhered strictly to the policy of Palmerston and Gladstone in this particular. This was his firm position, though urged to use his influence to secure Confederate recognition by many influential gentlemen of the Tory party, among them Sir Seymour Fitzgerald, the present governor of Bombay; Mr. Beresford Hope, M. P.; Mr. Gregory, M. P. for Galway, and others not so well known in this country.

Such was Lord Derby's anxiety to relieve the distress arising from the cotton famine in Lancashire, lest it might lead to popular agitation in favor of a recognition of the Southern States, that he made a single single subscription to the relief fund of £5,000. Not only in this case, but in many others throughout the war, he showed himself anything else than what was styled in those days in England "a friend and sympathizer with the South."

It is not at all likely, then, that his lordship would, whatever his admiration of the character and military genius of General Lee, have addressed him the foregoing lines, nor is it true. The lines were written by a young and gifted English poet, now no more, *Philip Stanhope Worsley*. Mr. W. was a scholar of Corpus Christi College, Oxford, and died

about ten years since. He gave the world in 1861 a translation of the Odyssey in the Gregorian stanza—one of the most pleasing hitherto produced—and in 1865 published a translation of the Iliad in the Spenserian stanza. A copy of this latter work he sent to General Lee, with a little poem of presentation written on the fly-leaf. It was seen by the General's friends, who requested a transcript of the verses for publication, but he would never permit them to be printed, his native modesty shrinking from the warm panegyric they embodied. Now that both poet and soldier have passed away there is no good reason why they should be withheld from the public eye, and I must express my gratification at seeing them in *The Gazette*. At the same time it is due to the memories of both that the error into which you have unconsciously fallen should be corrected, and this is the sole motive with which I have addressed you this brief and hasty note.

J. Lewis Peyton.

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